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**JOURNAL**

OF THE

**HOUSE OF REPRESENTATIVES,**

OF THE

**STATE OF INDIANA,**

BEING THE

**TENTH SESSION**

OF THE

**GENERAL ASSEMBLY,**

BEGUN AND HELD AT INDIANAPOLIS, IN SAID STATE, ON  
MONDAY, THE 5th DAY OF DECEMBER, 1825.

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INDIANAPOLIS, IA.

Douglass and Maguire, printers.

*James A. Johnson*

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

AT THE TENTH MEETING OF THE

### General Assembly of the state of Indiana,

BEGAN AND HELD AT THE CAPITAL, IN THE TOWN OF INDIANAPOLIS, ON MONDAY, THE FIFTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY FIVE; BEING THE DAY APPOINTED BY LAW FOR THE MEETING OF THE GENERAL ASSEMBLY.

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*The following members of the House of Representatives appeared and took their seats:—*

*From the county of Knox, Benjamin V. Beckes and James T. Moffatt.*

*From the counties of Daviess and Martin, William Wallace.*

*From the counties of Vigo, Parke and Vermillion, James Blair.*

*From the county of Sullivan, George Boon.*

*From the counties of Greene, Owen, Morgan and Clay, John Sims.*

*From the county of Jefferson, David Hillis, and Nathan B. Palmer.*

*From the county of Jennings, John Walker.*

From the county of Clark, Isaac Howk, and John Lemon.

From the county of Floyd, Alexander S. Burnett.

From the county of Washington, William Baird and Ezra Child.

From the county of Ripley, Merit S. Craig.

From the county of Scott, Moses Gray.

From the county of Jackson, William Marshall.

From the county of Orange, John G. Clendenin, and Ezekiel S. Riley.

From the county of Lawrence, Vinson Williams.

From the county of Monroe, John Ketcham.

From the county of Harrison, Thomas Posey, and Joseph Paddacks.

From the county of Crawford, David Stewart.

From the county of Posey, James H. Richardson.

From the county of Gibson, Robert M. Evans.

From the county of Pike, John Johnson.

From the counties of Vanderburgh and Warrick, Thomas Fitzgerald.

From the counties of Spencer, Perry and Dubois, John Daniels.

From the counties of Randolph and Allen, Daniel Worth.

From the county of Wayne, Abel Lomax, Samuel Hannah, and Caleb Lewis.

From the county of Union, John B. Rose.

From the county of Franklin, John Reed.

From the county of Switzerland, William Gard, and William C. Keen.

From the county of Dearborn, Ezekiel Jackson, Abel C. Pepper, and Thomas Guion.

From the county of Bartholomew, Phillip Sweetser.

From the counties of Marion, Madison, Hamilton and Johnson, James Paxton.

From the counties of Henry, Rush, Decatur and Shelby, Thomas R. Stanford.

From the counties of Putnam, Montgomery, Hendricks and Wabash, Amos Robertson.

From the county of Fayette, Newton Claypool.

Who produced their credentials and were sworn in.

to office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of this State.

The House proceeded to the election of a Speaker, and upon taking one vote thereon, it appeared that Mr. Robert M. Evans had 30 votes, and Isaac Howk 13 votes, scattering 2 votes. Mr. Evans being duly elected was conducted to the chair, from which he returned his thanks in an appropriate manner, and recommended and enjoined the observance of good order and decorum.

The House then proceeded to the election of a principal Clerk, and upon examining the ballots, it appeared that Henry P. Thornton was unanimously elected, who was sworn into office by the Hon. Isaac Blackford, and took his seat at the Clerk's table.

The House then proceeded to the election of an assistant clerk, and on counting the ballots it appeared that James F. D. Lanier was unanimously elected. Mr. Lanier was then called in, sworn into office by the Hon. Isaac Blackford, and took his seat at the clerk's table.

The House then proceeded to the election of a Doorkeeper, and on counting the fourth ballot John Meek was declared duly elected, who was called in, sworn into office, and proceeded to the discharge of his duties.

A message from the Senate by Mr. Gregory, a member, announcing that the Senate have adopted the following resolution, to wit:

*Resolved*, That the House of Representatives be informed that the Senate have convened, elected Milton Stapp, President pro tempore, James Dill, Secretary, John H. Farnham, assistant Secretary, James M. Ray, enrolling Secretary, and John Midcap, Doorkeeper, and that they are now ready to proceed to legislative business.

On motion of Mr. Burnett,

*Resolved*, That the Clerk of this House inform the Senate, that the House of Representatives have met, formed a quorum, elected Robert M. Evans Speaker, Henry P. Thornton, principal Clerk, James F. D. Lanier, assistant Clerk, and John Meek, Doorkeeper, and are now ready to proceed to legislative business.

Whereupon,  
The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Richardson,

*Resolved*, By the House of Representatives, that a committee be appointed to wait on the Rev. John E. Strange, and solicit him to attend in the Representative Hall, instantur, and open the session by solemn prayer, and that the Senate be informed thereof, and their attendance requested, and that seats be provided for them on the right of the Speaker's chair.

Whereupon,

Messrs. Richardson, Wallace, and Clendenin, were appointed that committee.

Mr. Child presented the following resolution, to wit:

*Resolved*, That the rules adopted at the last session of the General Assembly, for their government in the transaction of their own business, and the joint rules for their government in the transaction of business between the two Houses, be adopted by this House for their government during this session, and that the public printer be directed to print one hundred copies thereof for the use of the members of the General Assembly, and that the Senate be informed thereof, and respectfully requested on their part to adopt the same joint rules.

Mr. Hawk, moved to strike out that part of said resolution which requires the public printer to print one hundred copies, &c. which was carried in the affirmative.

The resolution was then read as amended and adopted.

The Senate came down attended by their President pro tem. and took their seats on the right of the Speaker's chair.

The Rev. Mr. Strange came in accompanied by the committee appointed to wait on him and request his attendance. And

Thereupon,

Proceeded to open the session by solemn prayer and



thanksgiving, to Almighty God; and after receiving the thanks of the House, through the chair, retired.

On motion of Mr. Beckes,

*Resolved*, That the stationer for the present General Assembly, will not be allowed a credit for any stationary furnished, except upon the receipt of the clerk, to be taken by him for that purpose.

On motion of Mr. Sweetser,

*Resolved*, That Messrs. Smith and Bolton be admitted on the floor of this House, as reporters of the proceedings thereof, and that they have access to the Journals, every morning, under the direction of the clerk.

Mr. Childs presented the following resolution, to wit:

*Resolved*, That a committee be appointed by the House of Representatives, to act with a similar committee to be appointed on the part of the Senate, to wait on the Acting Governor and inform him that a quorum of both Houses of the General Assembly have met, elected their officers, and are now ready to receive any communication he may be pleased to make to them, and to learn from him at what time he will make such communication, that the Senate be informed thereof, and a similar committee be requested.

Mr. Palmer moved to strike out the words "acting Governor," and insert "The Hon. Milton Stapp, President pro tem. of the Senate."

A division of the question being called for by Mr. Hawk, the question was taken on striking out, which was decided in the negative.

Mr. Sweetser then moved to postpone the further consideration of said resolution until Thursday next, which motion was also decided in the negative.

The resolution was then adopted.

Whereupon,

Messrs. Child, Marshall and Keen were appointed that committee.

On motion of Mr. Richardson,

*Resolved*, That a committee of two be appointed on the part of this House, as a committee of enrolled bills, to act with a similar committee on the part of the Senate.

Whereupon,

Messrs. Richardson and Burnett were appointed that committee.

A message was received from the Senate by Mr. Graham, a member, announcing that the Senate has adopted the following resolution, to wit:

*Resolved*, That the joint rules adopted for transacting business between the two Houses at the last session, be adopted as the joint rules for transacting business at the present session, and that the House of Representatives be informed thereof.

On motion of Mr. Williams,

*Resolved*, That a committee be appointed to enquire into the state of the unfinished business of the last session, and report to the House the state thereof.

Mr. Child presented the following resolution which was not adopted, to wit:

*Resolved*, That the House of Representatives consider the Hon. Milton Stapp to be the acting Governor of this state.

Mr. Beckes presented the following resolution, to wit:

*Resolved*, That the committee appointed by this House to wait upon the acting Governor, to know whether he has any communication to make to this House, be and they are hereby instructed to wait upon James B. Ray.

The ayes and noes being called for by two members on the adoption of said resolution, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Boon, Blair, Burnett, Claypool, Clendenin, Craig, Fitzgerald, Gard, Guion, Gray, Hannah, Hillis, Jackson, Keen, Ketcham, Lewis, Lomax, Lemon, Paddacks, Paxton, Pepper, Reed, Rose, Riley, Stanford, Walker, Wallace, Williams and Evans, speaker—30.

*And those who voted in the negative are,*

Messrs. Beckes, Child, Daniels, Howk, Johnson, Marshall, Moffatt, Palmer, Posey, Robertson, Richardson, Stewart, Sweetser, Sims and Worth—15.

So said resolution was adopted.

On motion of Mr. Beckes,

*Resolved*, That the Secretary of State be required to furnish for the use of this House, twenty four copies of the Revised Laws, an equal number of the acts of last session, and twenty-four copies of the Journals of this House for last year.

On motion of Mr. Howk,

*Resolved* That this House do now proceed to elect an enrolling Clerk for the present session, who shall receive pay only from the time his services may be required by this House.

Whereupon,

The House proceeded to the election of an enrolling Clerk, and upon counting the ballots it appeared that Rollin C. Dewey had 28 votes, Lot Bloomfield 12 votes, Charles H. Veeder 2 votes, and Austin Morris 3 votes. Mr. Dewey having received a majority of the whole number of votes, was declared duly elected.

Mr. Keen having obtained leave, presented a bill providing for contesting the election of Governor and Lieutenant Governor, which was read the first time and passed to a second reading to-morrow.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, DECEMBER 6th, 1825.

The House met pursuant to adjournment.

Mr. Claypool presented the petition of James Veatch, E. Corbin and W. C. Jones, Trustees of School section No. 13, range 13, praying certain relief, which was read and referred to a select committee of Messrs. Claypool, Jackson and Lemon.

Mr. Riley presented the petition of Benjamin and Ezekiel Blackwell, praying certain relief, which was read and referred to a select committee of Messrs. Riley, Boon, Robertson and Williams.

Mr. Hillis presented the petition of Levi S. House

and others, of Jefferson county, praying the appointment of new commissioners to locate a road from Madison to Fort Wayne, the old commissioners having failed to act, which was read and referred to a select committee of Messrs. Hillis, Paddacks and Daniels.

Mr. Stewart presented the petition of Elisha Tadlock and others, securities of Martin H. Tucker, late collector of Crawford county, praying certain relief therein named, which was read and referred to a select committee of Messrs. Stewart, Moffatt and Lewis.

Mr. Robertson presented the petition of Jonathan Burch and others, and Enoch Palmer and others, praying the formation of a new county out of the counties of Wabash and Montgomery, which was read and referred to a select committee of Messrs. Robertson, Williams and Reed.

Mr. Beckes presented the petition of Samuel Rush and others, on the same subject, which was read and referred to the same committee.

On motion, Mr. Beckes was added to said committee.

Mr. Speaker appointed Messrs. Wallace, Riley, Reed, Lomax and Guion, a committee on the unfinished business of last session, in pursuance of the resolution of yesterday.

The Speaker appointed Messrs. Palmer, Blair, Sims, Worth and Walker, a committee of elections.

Messrs. Clendenin, Beckes, Posey, Hannah and Stanford, a committee of Ways and Means.

Messrs. Hawk, Sweetser, Craig, Gray and Fitzgerald, a committee on the Judiciary.

Messrs. Child, Pepper, Stewart, Ketcham, Hillis and Richardson, a committee on Education.

Messrs. Keen, Burnett, Marshall, Rose and Johnson, a committee on Military Affairs.

Mr. Richardson presented the following resolution, to wit:

*Resolved*, That for the better transaction of business, this House will assemble during the present session precisely at 9 o'clock A. M. and 2 o'clock P. M.

Which was read, and on motion of Mr. Howk, laid on the table.

On motion of Mr. Burnett,

*Resolved*, By the House of Representatives, that seats be provided on the right of the Speaker for the use of his excellency the Governor, the Secretary of State, the Auditor and Treasurer, the Supreme Judges, and the Presidents of the several Circuit Courts, and the District Judge, whenever they may think proper to occupy them.

On motion of Mr. Child,

*Resolved*, That the public printer be and he is hereby authorized to print five hundred copies of the Journals of this House for the use of the members thereof, to be distributed as may be directed by the General Assembly, and that the clerk furnish said printer with manuscript copies of said Journals daily as soon after being read as possible.

On motion of Mr. Hillis,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of repealing so much of the revenue law as imposes a *poll* tax either for state or county purposes, and that they enquire into the expediency of reducing the fees of all county and state officers so far as is compatible with the constitution of this state.

Mr. Speaker laid before the House the following communication from the Secretary of State, to wit:

EXECUTIVE DEPARTMENT, }  
SECRETARY'S OFFICE, Dec. 6, 1825. }

The Secretary of state agreeably to a requisition of the House of Representatives herewith furnishes the number of copies of the laws required. It will be remembered that by a law of the last session of the General Assembly, the Secretary of state was required to distribute all the printed copies of the journals of the last session, save ten, which number he was required to preserve in his office, and that number he herewith furnishes as required.

Respectfully, &c.

WILLIAM W. WICK.

The Hon. the SPEAKER of the House of Rep.

Mr. Speaker also laid before the House the following communication from the Secretary of State, to wit:

EXECUTIVE DEPARTMENT, }  
SECRETARY'S OFFICE, Dec. 1825. }

*The Hon. the Speaker of the  
House of Representatives,*

SIR,—Herewith is transmitted agreeably to law a certified statement exhibiting the whole number of polls returned from each county in the State, together with the number of paupers, insane persons, and persons exempt from a poll tax, and the number of coloured persons, so far as the same appears from documents on file in my office.

It may be well to add that no return of any kind has been received from the county of Clay—that no return of persons exempt from a poll tax has been received from many counties—and that certain *unofficial* statements have been received from the Clerks of several circuit courts, from which it appears that there are in the county of Wayne thirty-three persons of colour who are included in the exhibit of the taxable inhabitants of that county—in the county of Knox, forty-five persons of colour included in like manner—that a very considerable mistake occurs in the exhibit of the number of taxable inhabitants in the county of Greene, owing to the assessor having charged non-resident land holders with a poll tax—that in the county of Marion the collector has collected a poll tax from sixty-seven free white male inhabitants who were by some mistake or negligence of the lister not included in his statement to the Auditor, and are consequently not included in the exhibit, and that the exhibit of the number of taxable inhabitants in the county of Franklin is immaterially erroneous. It is alleged by the clerk of the circuit court of Fayette county that there are in that county as many as two hundred persons exempt from a poll tax, or who were neglected to be noticed on the assessors books. The documents from which these facts are ascertained, or in which they are supposed not being of that character contemplated by the law in pursuance of which the exhibit herewith communicated is made, of course, are not noticed therein, but remain subject to the order of either House of the General Assembly.

I have the honour to be,

very Respectfully, yours, &c.

WILLIAM W. WICK.

EXECUTIVE DEPARTMENT, }  
SECRETARY'S OFFICE, Dec. 1825. }

The Secretary of State certifies, that, agreeably to Official documents received at his office, the following is a correct exhibit of the whole number of polls returned from each County therein named, the number of paupers, insane persons, and persons exempt from paying a poll tax, and of the persons of colour.

WILLIAM W. WICK, *Sec'y of State.*

| COUNTIES.    | Whole No. | Paupers, &c. | Cold persons. |
|--------------|-----------|--------------|---------------|
| Allen,       | 150       |              |               |
| Bartholomew, | 539       |              |               |
| Clark,       | 1,699     | 49           | 22            |
| Crawford,    | 436       |              |               |
| Daviess,     | 667       |              |               |
| Dearborn,    | 2,254     |              |               |
| Decatur,     | 602       |              |               |
| Dubois,      | 285       |              |               |
| Fayette,     | 1,015     |              |               |
| Floyd,       | 635       |              |               |
| Franklin,    | 1,516     |              |               |
| Gibson,      | 743       |              |               |
| Greene,      | 456       | 10           |               |
| Hamilton,    | 170       |              |               |
| Hendricks,   | 182       |              |               |
| Harrison,    | 1,810     | 46           |               |
| Henry,       | 405       |              |               |
| Jackson,     | 543       |              |               |
| Jefferson,   | 1,531     |              |               |
| Jennings,    | 466       |              |               |
| Johnson,     | 249       |              |               |
| Knox,        | 1,015     | 4            |               |
| Lawrence,    | 879       |              |               |
| Madison,     | 180       |              |               |
| Marion,      | 630       | 22           | 7             |
| Martin,      | 272       |              |               |
| Monroe,      | 796       |              |               |
| Montgomery,  | 295       |              |               |
| Morgan,      | 320       | 7            |               |
| Orange,      | 1,097     | 13           |               |
| Owen,        | 376       |              |               |
| Parke,       | 576       |              |               |
| Perry,       | 414       |              |               |
| Pike,        | 338       |              |               |
| Posey,       | 842       | 48           |               |
| Putnam,      | 462       |              |               |
| Randolph,    | 490       |              |               |
| Ripley,      | 618       |              |               |
| Rush,        | 715       | 21           |               |
| Scott,       | 483       |              |               |
| Shelby,      | 485       | 6            |               |
| Spencer,     | 403       |              |               |
| Sullivan,    | 639       |              |               |
| Switzerland, | 1,142     | 2            |               |
| Union,       | 990       |              |               |
| Vanderburgh, | 387       |              |               |
| Vermillion,  | 371       | 8            |               |
| Vigo,        | 820       | 2            | 10            |
| Warrick,     | 420       |              |               |
| Washington,  | 1,933     | 24           | 15            |
| Wayne,       | 2,291     | 16           |               |
| Total,       | 36,377    | 217          | 54            |

On motion, said communications last named were ordered to lie on the table.

On motion of Mr. Sweetser,

*Resolved*, That the public printer be directed to print fifty copies of the report of the Secretary of State relative to the return of the number of polls of each county in this state, for the use of the members of this House.

Mr. Speaker also laid before the House the following communication from the Secretary of State, to wit:

EXECUTIVE DEPARTMENT, }  
SECRETARY'S OFFICE, Dec. 1825 }

The Secretary of state respectfully reports that agreeably to the provisions of the act in such case made and provided, a contract has been made with Messrs. Douglass & Maguire of Indianapolis to furnish the present General Assembly with Stationary, at the following prices to wit:

|  |             |         |
|--|-------------|---------|
| Cap paper No. 1                            | at per ream | \$4 00  |
| do. do. 2                                  | do. do.     | 3 75    |
| do. do. 3                                  | do. do.     | 3 25    |
| Letter post                                | do. do.     | 4 00    |
| Candles                                    | per pound   | 18 2-4. |
| Quills and other articles at a fair price. |             |         |

A contract has been made with Mr. Benjamin Salors to furnish fuel for the present General Assembly, at 60 cents per dicm.

All which is respectfully submitted,

WILLIAM W. WICK, *Sec'y of State*.

The Hon. the SPEAKER of the House of Rep.

On motion of Mr. Hannah,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of repealing so much of the revenue law as requires the listers, collectors, &c. of the different counties, to keep separate and distinct rolls and duplicates for state and county revenue.

On motion of Mr. Walker,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of repealing so much of the tenth section of the revenue law as requires the collectors of the revenue to advertise and sell the lands and town lots of resident citizens, for the taxes that may be due thereon, unless personal property cannot be found.

Mr. Gray asked and obtained leave to record his vote in the negative on the passage of the following resolution. on yesterday, to wit:

*Resolved*, That the committee appointed by this



House to wait upon the acting Governor to know whether he has any communication to make to this House, be and they are hereby instructed to wait upon James B. Ray.

Mr. Speaker laid before the House the report of Samuel Lewis, relative to the Seminary funds of Franklin county. And also the certificate of the Clerk of Posey county approbating the conduct of Samuel Jones, Trustee of the Seminary fund of said county. And also a communication from Amos Clark, prosecuting attorney for the second circuit, relative to the state of the Seminary fund in said district. And also the report of Simon Slawson, Alexander W. Stewart and Joseph Malin, commissioners on the state road from Vevay to Versailles intersecting the Lawrenceburgh road at or near Napoleon.

On motion of Mr. Hannah,

*Resolved*, That the committee on education be instructed to enquire into the expediency of relieving the Treasurers of the Seminary fund in the different counties in this state, who have on hand depreciated bank paper received by them in payment of fines, and that said committee be instructed to report by bill or otherwise.

On motion of Mr. Child,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the 10th section of an act entitled, "An act for assessing and collecting the revenue," approved Feb. 12th, 1825, that the collectors of the state taxes, when advertising lands and town lots, shall specify in such advertisement the number and description of such lands and lots when the same can be ascertained.

On motion, Mr. Hannah was added to the committee on education.

On motion of Mr. Stanford,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reducing the docket fee of the prosecuting attorneys to two dollars and fifty cents, in all cases where the party charged with a criminal offence, according to the laws of this

state, shall come forward, upon being called, and plead guilty to the presentment or indictment.

On motion, Mr. Walker was added to the committee of ways and means.

On motion of Mr. Hawk, the House took up the orders of the day.

The bill providing for contesting the election of Governor and Lieutenant Governor, was read the second time, and committed to a committee of the whole house and made the order of the day for this day.

On motion, Mr. Baird was added to the Judiciary committee.

Mr. Sweetser, after having obtained leave, presented a bill to amend the act entitled "An act to establish seats of justice in new counties," approved January 14th, 1824, which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Claypool,

*Resolved*, That the committee on military affairs be requested to enquire into the expediency of amending the militia law as follows, to wit:

1st. Designate the days by law for holding company musters, and let those days be the same throughout the state, which will supercede the necessity of a written notice by the sergeants.

2d. Make it the duty of the officers commanding companies to notify them at their company musters, of the time and place of holding battalion and regimental musters, and read the section of law which designates the days of holding company musters at every company muster.

3d. Repeal that part of the militia law which requires the sergeants and corporals to attend regimental drill musters.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock; P. M.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of Joshua O. Howe and others, trustees of the Seminary town-

ship in Monroe county, which was read and referred to the committee on education.

On motion of Mr. Palmer,

The House resolved itself into a committee of the whole on the bill providing for contesting the election of Governor and Lieutenant Governor,

Mr. Palmer in the chair,

After some time spent therein Mr. Speaker resumed the chair, and Mr. Palmer reported said bill with several amendments, in which he desired the concurrence of the House.

On motion,

The House concurred in said amendments except the fifth; which gave both Houses of the General Assembly the right of deciding in cases of contested elections, to which the House disagreed.

On motion of Mr. Howk,

Said bill was further amended by giving the power of deciding in contested elections to a committee of both Houses of the General Assembly.

On motion of Mr. Palmer,

The rule was dispensed with, and the bill providing for contesting the election of Governor and Lieutenant Governor, was ordered to be engrossed as amended and read a third time to day.

Mr. Child presented the following resolution, to wit:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the act entitled "An act authorizing domestic attachments and to regulate the proceedings thereon," approved January 2d, 1824, that the person suing out a domestic attachment shall first receive his, her or their lawful demand or demands out of the proceeds of the goods and chattels, rights and interests of the defendant or defendants, or that each claimant shall, in proportion to his, her or their claim bear an equal proportion of the necessary cost.

Mr. Howk moved to amend said resolution by striking out from the word "that" after 1824, to the word "claimant," before the word shall, inclusive, and insert the following, "so as to provide that any person or

persons filing his, her or their claim or claims under an attachment which may have been issued, such person or persons," in its place; which was carried in the affirmative.

Said resolution was then read as amended and adopted.

Mr. Blair moved to re-consider the vote of yesterday, adopting the resolution instructing the committee appointed to wait on his excellency the Governor, to call upon James B. Ray, &c. which was carried in the affirmative.

On motion of Mr. Pepper,

Said resolution was laid on the table.

Mr. Pepper, after having obtained leave, presented a bill to amend an act entitled "An act organizing the Supreme Court and defining its powers and duties"; which was read the first time and passed to a second reading to morrow.

On motion of Mr. Moffatt,

*Resolved*, That the judiciary committee be and they are hereby instructed to report a bill making provision for the payment of the associate Judges of the Circuit Courts for services rendered.

On motion of Mr. Rose,

*Resolved*, That the committee of ways and means be and they are hereby instructed to enquire into the expediency of altering the mode of collecting the revenue, as respects making it the duty of the collector to call once at the usual place of residence of each person charged with either state or county taxes, so as to make it the duty of said collector to advertise in each township      days, that he will meet the inhabitants of said township to receive their taxes, and to reduce the fees of said collectors to six per cent.

Mr. Hawk moved to strike out that part of said resolution which directs the reducing of the collector's fees to six per cent.; which was decided in the negative.

And on motion,

Said resolution was laid on the table.

On motion of Mr. Hannah,

*Resolved*, That a standing committee on roads be

appointed to enquire whether any, and if any, what amendments may be expedient to be made to the laws now in force for opening and repairing roads and highways, and that said committee be instructed to report by bill or otherwise.

Mr. Wallace presented the following resolution which was not adopted, to wit:

*Resolved*, That a select committee be appointed to enquire into the expediency of amending the law regulating the present mode of doing county business.

Mr. Richardson presented the following resolution which was not adopted, to wit:

*Resolved*, That the judiciary committee be and they are hereby instructed to amend the 19th section of the act regulating the jurisdiction and duties of Justices of the Peace, so as to supercede the necessity of issuing a *scire facias* against the bail, and that execution shall issue against the principal and bail in the first instance as is the practice in the Circuit Court.

On motion,

Mr. Blair was added to the committee to whom was referred the petition of Jonathan Burch and others, and Enoch Palmer and others.

On motion,

Mr. Marshall was added to the committee of ways and means.

On motion,

Mr. Lomax was added to the committee on education.

On motion,

Mr. Sweetser was added to the same committee.

The House proceeded to consider the orders of the day.

The engrossed bill providing for contesting the election of Governor and Lieutenant Governor was read the third time and passed.

*Ordered*, That the same be entitled "An act," and that the clerk carry the same to the Senate and ask their concurrence.

On motion of Mr. Reed, —

*Resolved*, That the committee on education be directed to enquire into the propriety of repealing all laws providing for the support of public schools by the imposition of taxes, and to revive the act of 1818 respecting school sections.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DECEMBER 7th, 1825.

The House met pursuant to adjournment.

Mr. Hannah presented the memorial of the President and Trustees of the town of Richmond, in the county of Wayne, praying a law to pass more particularly to define the powers of Trustees in incorporated towns; which was read and referred to a select committee of Messrs. Hannah, Lewis and Moffatt.

Mr. Richardson presented the petition of Benjamin F. Barker and Henry Waggoner, praying certain relief named in the petition; which was read and referred to a select committee of Messrs. Richardson, Fitzgerald and Daniels.

Mr. Gray presented the memorial of Thomas Burnett and others, citizens of Scott county, praying this General Assembly to memorialize Congress to pass a law for the relief of purchasers of public lands; which was read and referred to a select committee of Messrs. Gray, Sweetser and Beckes.

Mr. Boon presented the petition of Ephraim P. Kester and others, praying that the road located from Dixon's mills in Vigo county to Carlisle in Sullivan county, may be declared a state road; which was read and referred to a select committee of Messrs. Boon, Paxton and Robertson.

Mr. Speaker laid before the House a communication from the Trustees of the Seminary township in Monroe county, praying that the Governor and other officers

of state may be made *ex officio* trustees of said township; which was read and referred to the committee on education.

Mr. Rose presented the petition of Joseph Hanna and others, citizens of Franklin county, praying that part of said county may be attached to the county of Union; which was read and referred to a select committee of Messrs. Rose, Claypool, Reed and Lomax.

Mr. Williams presented the petition of John Anderson and others, citizens of Lawrence county, with a similar prayer to the memorial of Thomas Burnet and others; which was read and referred to the same committee to whom was referred the memorial of Thomas Burnet and others.

Mr. Claypool presented the petition of William Becket and others, of Franklin county, praying that part of said county may be attached to the county of Fayette; which was read and referred to the same committee to whom was referred the petition of Joseph Hanna and others.

Mr. Blair, having obtained leave, presented a bill to legalize the proceedings of the board of Justices in Vermillion county for the year 1824; which was read the first time and passed to a second reading to-morrow.

Mr. Riley from the committee to whom was referred the memorial of Benjamin & E. Blackwell, reported a bill to amend an act entitled "An act to re-locate the seat of justice of Lawrence county," which was read the first time and passed to a second reading to-morrow.

Mr. Child presented the following resolution, which was not adopted, to wit:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the act entitled "An act subjecting real and personal estate to execution, approved January 30th, 1824," that the 4th and 11th sections of said act may be repealed.

On motion of Mr. Walker,

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of raising the jurisdiction of justices of the peace to 100 dollars.

On motion of Mr. Posey,

*Resolved*, That the Senate be informed, that the Speaker of this House is now ready to open and publish the returns of the election of Governor and lieutenant Governor, and their attendance requested, and that seats are provided for them on the right of the Speaker's chair.

Mr. Palmer, after having obtained leave, presented a bill extending the jurisdiction of justices of the peace to 100 dollars in civil actions, which was read the first time and passed to a second reading to-morrow.

Mr. Reed presented the following resolution which was not adopted, to wit:

*Resolved*, That a select committee be appointed to enquire into the propriety of so amending the law governing elections, as to confine electors to vote in the townships where they reside.

Mr. Speaker laid before the House the following communication from the Secretary of State.

EXECUTIVE DEPARTMENT, }  
SECRETARY'S OFFICE, December 6, 1825. }

The Secretary of State as Librarian of the State Library respectfully reports to the House of Representatives that the sum of fifty dollars appropriated for the year 1825 for the purpose of increasing the State Library has been expended in the purchase of "the History of England by Hume with Smollett's continuation in eleven volumes, Johnson's Lives of the Poets in one volume, Mayors Universal History in twenty-five volumes; all of which were purchased very low at second hand.

The following books belonging to the State Library but which were not in the Secretary's office at the time of the organization of the State Library, have been reclaimed by inquiry and search, and it is believed that many more will be reclaimed hereafter.

Laws of Rhode Island, 1 volume. Laws of Kentucky digested by Littell and Swigert 2 volumes. First volume of the Laws of the United States. First volume of the American State Papers. Laws of Ohio, enacted, revised &c. in 1823 labelled volume 22d.

In the course of exchange with other states, the following additions have been made, to wit:

Revised Code of Mississippi, 1 volume. Acts of Kentucky of the year 1824 1 volume, three copies. Laws of Maryland, 1 volume, December session. Laws of New-York 48th session—bound in boards, three copies. Many pamphlets containing the laws of other states have been received which it seems not to be the object of the law to be reported.

All which is respectfully submitted,

WILLIAM W. WICK.

The Hon. the SPEAKER of the House of Rep.

On motion,

Mr. Stanford was added to the judiciary committee.

Mr. Keen, after having obtained leave, presented a bill to amend an act entitled "An act prescribing the



mode of changing the venue," which was read the first time and passed to a second reading to-morrow.

The Senate came down attended by their President pro tem. and took their seats on the right of the Speaker's chair, and the President pro tem. on the the right of the Speaker.

Whereupon,

The Speaker of the House of Representatives, in the presence of both Houses, proceeded to open and count the return of votes for Governor and Lieutenant Governor—James Dill, Secretary of the Senate, and Henry P. Thornton, Clerk of the House of Representatives, acted as tellers; and after counting the returns from the following counties, to wit: Dearborn, Jackson, Scott, Switzerland, Greene, Hendricks, Dubois, Vanderburg, Wayne, Franklin, Pike, Crawford, Ripley, Daviess, Henry, Shelby, Fayette, Gibson, Perry, Harrison, Vermillion, Warrick, Monroe, Hamilton, Floyd, Washington, Parke, Spencer, Rush, Vigo, Orange, Martin, Clark, Knox, Morgan, Decatur, Marion, Madison, Jefferson, Montgomery and Johnson, it appeared that for Governor, James B. Ray had 13,040 votes—Isaac Blackford for the same office, 10,418 votes; scattering, 12 votes. For Lieutenant Governor, John H. Thompson had 10,781 votes; Samuel Milroy for the same office, 7,496 votes; Dennis Pennington for the same office, 1,496 votes; Elisha Harrison for the same office, 1,434 votes; General W. Johnson for the same office, had 851 votes; scattering, 84 votes.

Mr. James B. Ray having received the highest number of votes given, was, by the President pro tem. of the Senate, in the presence of both Houses, declared duly elected Governor of this state for the term of three years from this day.

Mr. John H. Thompson having received the highest number of votes given for Lieutenant Governor. was by the President pro tem. of the Senate, declared duly elected Lieutenant Governor of this state for the term of three years from this day.

The Senate then retired to their chamber.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Burnett,

*Resolved*, That a committee be appointed to wait upon James B. Ray, Governor elect, and John H. Thompson, Lientenant Governor elect, inform them of their election, and invite them to attend in the Hall of the House of Representatives to take the oath of office, that the Senate be informed thereof and a similar committee on their part requested, and that the Senate be invited to attend and hear the oath of office administered, that seats will be prepared for them on the right of the Speaker's chair.

Whereupon,

Messrs. Burnett, Hawk and Guion were appointed a committee on the part of this House.

*Ordered*, that the Senate be informed thereof.

The House proceeded to consider the orders of the day.

The bill to amend the act entitled "An act to establish seats of Justice in new counties," approved January 14th, 1824, was read the second time and committed to a committee of the whole house to-morrow.

The bill to amend the act entitled "An act organizing the Supreme Court and defining its powers and duties," was read the second time and committed to a committee of the whole House to-morrow.

On motion of Mr. Palmer,

*Resolved*, That a committee of        members be appointed to report a bill to this House making an apportionment of Senators and Representatives in the different counties in this state, agreeable to the late enumeration of the white male inhabitants above the age of 21 years and that the communications of the Secretary of State on that subject, now on the table, be referred to said committee.

On motion of Mr. Child,

The blank was filled with thirteen.

Mr. Stanford, having obtained leave, presented a bill

to amend the act to regulate the mode of doing county business, approved January 31st, 1824; which was read the first time and passed to a second reading to-morrow.

The following message was received from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, to wit:

*Resolved*, That a committee be appointed by the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, to inform James B. Ray Esq. that he was this day declared duly elected Governor of the state of Indiana for three years from and after the third day of the present session of the General Assembly. Also, to inform John H. Thompson Esq. that he was in like manner and for the like time, duly declared elected Lieutenant Governor of said state; and to know of those gentlemen at what time they will attend in the Representative Chamber to take the oaths of office required by law. And the Senate have appointed Messrs. De Pauw, Gregory and Ewing on their part.

Mr. Beckes presented the following resolution, to wit:

*Resolved*, That the committee appointed to report a bill to this House making the apportionment of representatives, be and they are hereby required to raise the ratio to 1000.

Mr. Lomax moved to amend the resolution by striking out 1000 and inserting 800.

And on motion of Mr. Sweetser,

Said resolution and amendment were laid on the table.

Mr. Hannah, after having obtained leave, presented a bill to amend the act entitled "An act to incorporate Medical Societies and to provide for the practice of physic and surgery therein"; which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Stewart,

*Resolved*, That the committee of ways and means be

and they are hereby instructed to enquire into the expediency of repealing so much of the revenue law as makes it the duty of assessors to list persons over the age of sixty, and so to amend said law that persons who have arrived to the age of fifty years shall not be subject to pay a poll tax.

Mr. Barnett made the following report:

The committee appointed on the part of the House of Representative to wait upon the Governor and Lieutenant Governor elect, respectfully report that they have performed that duty, and inform the House that they will attend in the Representative chamber immediately.

The Senate came down and took their seats on the right of the Speaker's chair, and the President pro tem. on the right of the Speaker,

When James B. Ray Esq. Governor elect, and John H. Thompson Esq. Lieutenant Governor elect, came in attended by the joint committee appointed to wait upon them, and took their seats in front of the Speaker's chair.

Whereupon,

The oath of office was severally administered to them by the Hon. Berthuel F. Morris, President Judge of the fifth Judicial District.

After which his excellency the Governor addressed both Houses of the General Assembly in an eloquent and appropriate manner.

On motion of Mr. Richardson,

*Resolved*, By the house of Representatives, that the committee on education be and they are hereby instructed to meet the committee appointed by the Senate at such time and place as the chairmen of the respective committees may appoint, and that the Senate be informed thereof and a similar resolution on their part requested.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, DECEMBER 8th, 1825.

The House met pursuant to adjournment.

Mr. Child presented the petition of William Jones and others, citizens of the county of Wabash, praying the formation of a new county out of said county; which was read and referred to a select committee of Messrs. Child, Lewis, Ketcham and Robertson.

Mr. Sims presented the petition of Adam Brenton, praying an alteration in the law establishing the rates of ferriage, and an amendment to the law establishing certain state roads, &c. which was read and referred to a select committee of Messrs. Sims, Jackson and Lewis.

Mr. Posey presented the petition of J. Mefford and others, and John Umphreys and others, of Harrison county, praying certain alterations in the militia law; which was read and referred to the committee on military affairs.

Mr. Lewis presented the petition of E. McClane and others, of Wayne county, praying authority to locate a state road from the Ohio line through Abington, thence the nearest and best route to intersect the state road leading from the Ohio line through Richmond and Centreville to Indianapolis; which was read and referred to the committee on roads.

Mr. Burnett presented the petition of Wm. Wright of Floyd county, praying an act to pass legalizing his marriage with his wife Mary, late Mary Inard; which was read and referred to a select committee of Messrs. Burnett, Baird and Gray.

On motion of Mr. Hillis,

Mr. Craig was added to the committee to whom was referred the petition of Levi S. House and others, of Jefferson county.

On motion,

Mr. Child and Mr. Lemon were added to the committee on military affairs.

On motion,

Mr. Posey was added to the committee to whom was referred the petition of E. Tadlock and others, &c.

**Mr. Palmer, from the standing committee of elections reported in part as follows, to wit:**

The committee of election, to whom was referred the certificates of the returned members of this House have had the same under their consideration and find the following gentleman duly elected and entitled to their seats in this house, viz:

- From the county of Washington*—William Baird and Ezra Child.
- From the county of Floyd*—Alexander S. Burnett.
- From the county of Jennings*—John Walker.
- From the county of Jefferson*—David Hillis and Nathan B. Palmer.
- From the county of Union*—John B. Rose.
- From the county of Switzerland*—William Gard and William C. Keen.
- From the county of Vanderburg and Warrick*—Thomas Fitzgerald.
- From the county of Perry, Spencer and Dubois*—John Daniels.
- From the county of Clark*—Isaac Hawk and John M. Lemon.
- From the county of Franklin*—John Reed
- From the county of Jackson*—William Marshall.
- From the county of Pike*—John Johnson—
- From the county of Gibson*—Robert M. Evans
- From the county of Posey*—James H. Richardson.
- From the county of Crawford*—David Stewart.
- From the county of Harrison*—Thomas Posey and Joseph Paddacks.
- From the county of Bartholomew*—Philip Sweetser.
- From the counties of Marion, Johnson, Madison and Hamilton*—James Paxton.
- From the county of Scott*—Moses Gray.
- From the county of Monroe*—John Ketcham.
- From the county of Dearborn*—Ezekiel Jackson, Abel C. Pepper and Thomas Guion.
- From the counties of Putnam, Montgomery and Hendricks*—Amos Robertson.
- From the counties of Henry, Rush, Decatur and Shelby*—Thomas R. Stanford.
- From the counties of Owen, Greene and Morgan*—John Sims.
- From the county of Sullivan*—George Boon.
- From the county of Knox*—James T. Moffatt.
- From the counties of Vigo, Parke and Vermillion*—James Blair.
- From the counties of Daviess and Martin*—William Wallace.
- From the county of Fayette*—Newton Claypool.
- From the county of Orange*—John G. Clendenin and Ezekiel S. Riley.
- From the county of Lawrence*—Vinson Williams.
- From the county of Wayne*—Abel Lowax, Caleb Lewis and Samuel Hannah.

*From the counties of Randolph and Allen*—Daniel Worth.

*From the county of Ripley*—Merit S. Craig.

Your committee have no certified return of the election of more than one member from the county of Knox, but from the statement of Mr. Moffatt the gentleman returned from that county together with the representation of other gentlemen the committee have no doubt but Benjamin V. Beckes was duly elected and obtained his certificate, which by accident he left at Vinnennes. From all the information which has come to your committee it is of opinion that Mr. Beckes is entitled to a seat as a member of this house. All of which is respectfully submitted.

N. B. PALMER, Ch'm.

Which upon being read was concurred in by the House.

Mr. Claypool, from the committee to whom was referred the petition of James Veach and others, trustees

&c. reported a bill in pursuance of the prayer of the petitioners, which was read the first time and passed to a second reading to-morrow.

Mr. Richardson, from the committee to whom was referred the petition of B. F. Barker and H. Waggoner, reported a bill for the relief of the petitioners, which was read the first time and ordered to a second reading to-morrow.

On motion of Mr. Fitzgerald,

*Resolved*, That a committee be appointed on the part of this House to act with a similar committee to be appointed on the part of the Senate, to wait upon his excellency James B. Ray and inform him that if he has any communication to make to this General Assembly both Houses are now ready to receive it, and that the Senate be informed thereof.

Whereupon,

Messrs. Fitzgerald, Keen and Wallace were appointed a committee on the part of this House.

Mr. Pepper, having obtained leave, presented a bill to amend an act entitled "An act providing for the settlement of decedents' estates and for other purposes," approved January 26th, 1824"; which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Lemon,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing an act authorizing called sessions of the circuit court, approved February 12th, 1825.

A message was received from the Senate by Mr. Farnham, their assistant secretary, announcing that the Senate has adopted the following resolution, to wit:

*Resolved*, That a committee be appointed by the Senate to act with a similar committee to be appointed by the House of Representatives, to wait on his excellency the Governor and request him to give both Houses of the General Assembly such information of the affairs of the state as he may be in possession of, and to recommend to their consideration such measures as he shall deem expedient, and to learn of him at what time and in what manner he will make his communication: That

the House of Representatives he informed of the adoption of this resolution and a similar one on their part requested; that the Senate have on their part appointed Messrs. Stapp, Graham of Jackson, and Cotton, said committee.

Mr. Speaker appointed the following gentlemen a committee on state roads in pursuance of the resolution of yesterday, to wit:

Messrs. Child, Sweetser, Pepper, Hillis, Fitzgerald, Boon, Gard, Johnson, Moffatt, Paxton, Williams, Lomax, Ketcham, Lemon, Wallace and Worth.

The Speaker appointed Messrs. Palmer, Richardson, Beckes, Posey, Marshall, Pepper, Hannah, Paxton, Clendenin, Sims, Robertson, Keen and Howk, a committee on the resolution of yesterday, to report a bill to this House making an apportionment of Senators and Representatives, &c.

On motion,

Messrs. Johnson, Stanford, Rose and Blair were added to said committee.

Mr. Child moved to re-consider the vote taken on the adoption of the resolution relative to raising a committee to report a bill making an apportionment, &c. which was decided in the negative.

Mr. Keen presented the following resolution, to wit:

*Resolved*, That the committee of ways and means be directed to enquire into the expediency of appropriating a sufficient sum of money out of the fund created by the sale of lots in and adjoining Indianapolis, to build a substantial fire proof brick building to contain the office of the Secretary of State.

Mr. Clendenin moved to amend said resolution by striking out the words "the committee of ways and means" and insert "a committee on the affairs of the town of Indianapolis be appointed, and that they be directed"; which amendment was adopted.

Mr. Howk moved further to amend said resolution by adding after the words "Secretary of State" "and the office of the Clerk of the Supreme Court"; which amendment was also adopted.

Mr. Child then moved further to amend said resolu-



tion by adding at the end thereof "and that they enquire into the situation of the agency"; which amendment was also adopted.

The resolution was then read as amended and adopted by the House.

Mr. Claypool presented the following resolution, to wit:

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of re-enacting the 33d section of an act entitled "An act authorizing the granting of letters testamentary and letters of administration for the settlement of intestates estates and for other purposes," approved January 29th, 1818.

Mr. Sweetser moved to amend said resolution so as to direct the committee to report a bill in pursuance of said resolution.

And on motion,

Said resolution and amendment were laid on the table.

Mr. Palmer gave notice that on to morrow he would move to amend the rules of this House so as to add to the standing committees, one standing committee on roads, and one standing committee on the affairs of Indianapolis.

The House proceeded to consider the orders of the day.

The bill to amend the act entitled "An act to relocate the seat of justice of Lawrence county,"

The bill to amend the act entitled "An act to incorporate Medical societies for the purpose of regulating the practice of physic and surgery in this state,"

And the bill to legalize the proceedings of the board of justices of Vermillion county for the year 1825; were severally read the second time and committed to a committee of the whole House to-morrow.

The bill extending the jurisdiction of justices of the peace to \$100 in civil actions, was read the second time and committed to a committee of the whole House on Monday next.

The bill to amend the act regulating the mode of doing county business, approved January 31st, 1824, was read the second time and committed to a committee of the whole House on Tuesday next.

The House resolved itself into a committee of the whole on the bill to amend the act entitled "An act to establish seats of justice in new counties," approved January 14th, 1824.

Mr. Howk in the chair,

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Howk reported said bill without amendment.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

The bill to amend the act entitled "An act prescribing the mode of changing the venue," was read a second time and committed to a committee of the whole House to-morrow.

The House resolved itself into a committee of the whole on the bill to amend an act, entitled "An act organizing the Supreme court and defining its powers and duties,"

Mr. Robertson in the chair;

After some time spent therein Mr. Speaker resumed the chair, and Mr. Robertson reported progress and asked leave to sit again; which leave was not given.

And on motion of Mr. Hillis,

Said bill was re-committed to a select committee of Messrs. Hillis, Howk, Sweetser and Pepper.

Mr. Fitzgerald submitted the following report:

*Mr. Speaker,*

The committee who were appointed by this House to act with a similar committee to be appointed by the Senate to wait upon his Excellency James B. Ray. report that they have discharged the duty assigned them, and that they have been requested by his Excellency to inform the House that he will make a communication to both Houses of the General Assembly in the Representative Hall in person at 11 o'clock.

On motion of Mr. Child,

*Resolved*, that the Senate be invited to attend instantur in the Hall of the House of Representatives to receive the Message of the Governor, and that seats are provided for them &c.

The Senate came down into the Representative

Hall and took their seats on the right of the Speaker's chair, and the President of the Senate on the right of the Speaker,

When the Governor came in, attended by the joint committee appointed to wait upon him, and in the presence of both houses, delivered the following Message:

*Gentlemen of the Senate, and of the  
House of Representatives,*

With a lively and grateful sense, let us first acknowledge the Supreme goodness of an Almighty Providence for the numerous instances in which he has peculiarly favoured our Land.

Permit me to embrace this opportunity to congratulate you upon the prosperous situation of our country, and the favourable auspices under which you have assembled. Our common country is in the full enjoyment of peace and that portion of prosperity and happiness which our liberal institutions are calculated to ensure; the productions of our soil have ensured the warmest hopes of the agriculturalist; our citizens during the past year have generally enjoyed an unusual portion of health; the accession to the population of our state during the past season by means of emigration has exceeded all former example; the resources of the state are gradually developing, and our finances are improving with a rapidity that answers our most sanguine expectations. But while we indulge ourselves in a gratifying review of the past and in a pleasing contemplation of our present and future situation, let us not forget that unfeigned thankfulness and gratitude are *continually due to "Him"* from whom all blessings flow for these signal manifestations of his divine and beneficent regard.

Although the fertility of our soil and the variety of its productions, aided by the industry and economy of our citizens, after supplying an abundance for a rapidly increasing population, and placing all above the fear of want, furnish a large surplus of produce for market, yet the uncertainty of our only attainable market and the difficulties to be surmounted, and expense to be incurred, by a large portion of our citizens in reaching that market, prevent them from realizing those advantages which their situation and circumstances would otherwise command, and operate as a dead weight upon the industry and enterprise of the State.

For a long period previous to the late war, the continued struggle for power in Europe, called immense numbers of their hands from the plough to fill their armies. Agriculture was

neglected, whole countries were overrun, and the people as well as the armies were in a measure compelled to look to the United States for a considerable portion of their subsistence. American produce found a ready market in every port in Europe, and the high prices which it commanded, enabled the Farmer in every part of the country to incur the expense of a difficult and tedious transportation, and yet to realize a handsome profit upon his labour. Nor was this prosperous state of affairs materially changed by the commencement of the late war, with Great Britain. In consequence of the war, large disbursements of public money were made by the General Government in every part of the country; a general rage for speculation was excited—numerous banks with a fictitious capital were established; immense issues of paper were made and the circulating medium of the country was increased four fold in the course of two or three years. A natural consequence of this great increase of what was then deemed equivalent to money, was that a fictitious value was placed upon labour, and every species of property; the estimate upon every thing was in reality a deception—a specious fraud upon the world; money, *as it was then called*, was easily acquired, and the people too generally, and too easily indulged in visionary dreams of wealth and splendour.

But this state of things could not last: the general pacification of the old world, and the consequent disbandment of their numerous armies again tenanted their long uncultivated fields; agriculture was so far encouraged, that every nation on the continent produced an ample supply of the necessities of life, for their own consumption, and our American produce, could no longer find a market in that hemisphere. About this time that the nations of the East assumed their pacific attitude, peace was concluded between this country and great Britain; the extraordinary flow of money from our treasury was discontinued; our army was reduced; the newly created banks, began to fail; —specie disappeared—the fictitious circulating medium of the country became trash in the hands of the people—wages and every species of property suffered an unprecedented depression, in their value, and the industry of the country suffered a shock, from which in many places it has not yet recovered. The evils and embarrassments too, of this sudden change were more severely felt in the grain growing states, than in the South; as the planter has still been enabled to find a market for his cotton, sugar and tobacco.

To find a remedy for the pressure which operated so severely upon the agriculturist, in consequence of this sudden depression in the market, has occupied the attention and called

forth the exertions of the best talents of our country; and the remedies that have been adopted and pursued with so much success in other states, may advantageously be referred to, in considering of the means to be adopted for the amelioration of the condition of our own citizens.

In some of the states, a part of the capital which had formerly been successfully employed in commercial enterprise, has been employed in manufacturing establishments, by which large numbers have been withdrawn from the pursuits of husbandry and a home market created for a great portion of the surplus produce of the Farmer.

In other states, in addition to the establishment of manufactories, large portions of the dormant capital of the country which had been withdrawn from mercantile pursuits, now no longer profitable, has been called forth and put into active circulation among the people in works of internal improvement. In many of the states these remedies have been completely effectual; the cry of "hard times" is no longer heard and a new impulse has been given, and new resources have been opened, to the industry and enterprise of the citizens.

The state of Ohio having become sensible of the advantages to be derived from the prosecution of a system of internal improvement has recently commenced the construction of two Canals, one of which is to open a communication between the river Ohio and Lake Erie. By this enterprise her citizens will be at once benefited, by the expenditure among them of large sums of money, furnished by Eastern capitalists. Employment will be found for large bodies of her citizens, who have heretofore been unprofitably engaged in the cultivation of the soil; a new and advantageous market will be opened for the surplus produce of the country, and a stupendous public work will be completed, which will be a permanent source of revenue to the state; besides leaving upon the pages of American history an instructive and illustrious demonstration of the energy and public spirit, of a free and infant republic.

This taken in connexion with the great artificial channel in New York, which the thunder of a thousand pieces of artillery has just announced as finished; cannot fail to give the North an advantage over the tropical climes.

The citizens of Indiana are still laboring under the difficulties produced by the causes to which I have alluded: and their relative situation with regard to markets, and the difficulties to be encountered, and the expense to be incurred in reaching their only approachable market, fluctuating and uncertain as it is, afford but small inducements to individual exertion and enterprise, as yet, in comparison with the inducements and fa-

cilities, that are presented in some of our sister states, where the languishing industry of the country has been revived, by the prosecution of public works, to a successful issue.

Let us for a moment cast our eyes on a map of our own state, and examine the natural facilities for improvement, which are there obviously and impressively presented to view. The Wabash is a stream of great length: It runs through some of the most fertile portions of the state, and with the exception of the rapids near the mouth of white river, is deemed navigable for steam boats, during most of the seasons as far up as the mouth of the Tippacanoë: But these falls render the navigation of the river impracticable for a large portion of the year. This obstruction is situated upon that part of the river which forms the common boundary between this State and Illinois; and from a correspondence which I have had with the Governor of that state, I have the satisfaction to inform you, that he tenders us every assurance, that the state of Illinois is willing to co-operate with this state in any measure that can be agreed upon, to remove this impediment in the stream.

The navigable parts of the Wabash and the Maumee of the Lake, approximate very near to each other. By means of a canal of about twenty-eight miles in length, commencing at the junction of the St. Mary's and St. Joseph's, and terminating at the mouth of Little River on the Wabash, the navigable parts of those two rivers would be connected, and an uninterrupted water communication opened between the cities of New Orleans and New York, with the exception of the rapids before mentioned, in the Wabash, and the rapids situated near the mouth of the Maumee. The obstruction in the Maumee, which may be easily obviated, is situated in the state of Ohio, and must claim the early attention of that state, as it is in contemplation to extend the Dayton canal to a point on the Maumee above the rapids.

It will not for a moment be contended that the resources of this state are as yet equal to the accomplishment of works of equal magnitude with those in New York, Pennsylvania or Ohio; but, including the grant of land made by Congress, the waters of the Wabash and the Maumee can be made to mingle, and the aforementioned obstructions can be removed, at an expense not exceeding the one twentieth of the amount of capital employed in Ohio. May we then not indulge the hope that at some day not far distant, this almost natural channel of communication between the East and the West will be opened, and a great commercial thoroughfare established through the interior of our state; that we may witness with delightful sensa-

tions the various products of all countries, securely freighted in vessels floating upon its bosom.

The law of congress, approved, May, 1824, authorising this state to open a Canal through the public lands, to connect the navigation of the river Wabash and the Miami of the Lake, seems to have been predicated upon a belief, that the Indian title to the lands through which the proposed canal would pass, had already been extinguished. It is ascertained however, that the Indian title to a principal part of the lands through which the canal must necessarily pass, has not yet been obtained by the General Government, consequently it is doubted whether this state can, without a violation of the rights of the natives, as acknowledged and recognised by the Federal government, proceed to survey and mark the route of the proposed channel, for the purpose of availing herself of the donation under the provisions of the law of Congress, until these claims are quieted.

From authentic representations by those acquainted with the Indian affairs, it is believed that the Indians are inclined to dispose of their right of soil in that quarter of the state. It is therefore submitted to your consideration, whether a proper representation of this subject ought not to be made to our representatives in congress, accompanied with a request to endeavor to procure an extinguishment of the Indian title to these lands. And should we conclude to accept of the proposition of the General Government, it will be necessary to pass a law, authorizing the survey at as early a day as practicable.

From the prevailing sentiment in favour of internal improvements, manifested by every department of the General Government, I think there is good reason to believe, that if the subject is brought before Congress at their present session, a grant of lands and privileges, much more liberal and beneficial could be obtained for this important purpose, than those contained in the act above mentioned.

The policy of opening a canal at the falls of the Ohio, has for some years, been undergoing the ordeal of public investigation, and it is but reasonable to suppose, that at this time, public opinion is prepared to respond to the question. It is not contended that this canal is of general interest to the state, except as a permanent and productive source of revenue; although a very respectable portion of our citizens are immediately interested in the great facility it would afford them, in the navigation of the Ohio; "but it should be remembered "that a benefit to one part of the state, without an actual deprivation to the other parts, is a benefit to the whole." It is certain that works of this magnitude, should never be undertaken without

the approbation of public opinion, for no act of the Legislature can ever be permanent or beneficial, when the settled determinations of the country are arrayed against it. When we consider the large sums which are annually paid for transportation around the falls of the Ohio, the active, extensive, and increasing commerce carried on by means of that mighty river, and the immense value of the water power for machinery, that would be acquired by the construction of the canal, we are forced to appreciate its utility. We cannot refrain from fixing a high estimate upon this particular spot of ground, within our jurisdiction, when we reflect that so small an improvement, will enable us to demand a tribute from the head of navigation on the Ohio, to the mouth of the Mississippi; and when the Ohio canal is completed, we may expect a brisk trade from Canada to Europe; which will sufficiently indicate the importance of the work. Should you be satisfied that the public voice sanctions this project, and that the state of Kentucky will forbear to rear up a ruinous competition, by the completion of a similar work on the other side of the river, you will have but little difficulty in coming to a conclusion favourable to the commencement of this long agitated work. The whole length of the canal will be about three miles, and the expense is estimated at about three hundred thousand dollars; and when the vast amount of property which is annually transported on the Ohio, is taken into consideration, and compared with the amount transported on the New-York canal, it is believed that there will be but few who will withhold their assent to the opinion, that there is no point in the western country, where an equal profit could be derived, from the expenditure of the same amount of capital, provided we could be permitted to enjoy it without competition. To raise the necessary funds for the completion of such works, by a system of taxation, would be impracticable: the people could not sustain the pressure.—Pursuing the course of other states on similar occasions, the money might be raised by loans, and means provided for the regular payment of the accruing interest.

As connected with this subject, I cannot forbear the mention of a warm solicitude which is manifested by the citizens of the eastern part of this state, for the construction of a canal from Lawrenceburgh, on the Ohio, to Fort Wayne. They have already taken steps to procure a survey of the route, and it is understood have received assurances from a most respectable source, that the funds necessary to complete the work, can be procured from some of the eastern cities, so soon as a charter of incorporation sufficiently liberal in its provisions can be procured from the Legislature of this state. As it is understood that



this project has no design upon the public purse, and as the completion of the work will be of great and unquestionable utility, it is believed that no objection will be urged against granting a charter, as liberal in its principles as may be consistent with the policy, constitution and laws of the state. Our state pride should incline us to give an impulse to designs of this useful character, so eminently calculated to give us that standing in the Union to which we aspire.

The commissioner appointed by the last General Assembly to examine the obstructions in the two White Rivers, and report the same, together with an estimate of the expense of their removal, to this session, has entered upon that duty, and in due time will lay before you the result of his examinations.

The two White rivers and their tributaries, water a very considerable portion of the state, and at certain seasons of the year, are navigable nearly two hundred miles from their junction with the Wabash. It is believed that these obstructions may be removed, and the navigation rendered comparatively secure, at an expense within the present means of the state; when they will prove valuable auxiliaries to the exporting citizen. This subject ought to claim the undivided attention of the Legislature.

I have said this much on the subject of internal improvements, because it seems to be demanded by the general necessity and spirit of the times. Canals for facilitating the means of commercial intercourse, between distant points, are of acknowledged utility, as a means of giving a new impulse to the agricultural and manufacturing interests of the country, and improving the finances of the state, besides giving life and animation to the whole body politic. But schemes of this kind should not be hastily entered into, merely from a spirit of emulation, or a thirst for ephemeral glory. We should be satisfied that the extent and commercial importance of the navigation to be connected or improved, are sufficient to place *beyond doubt* the success and public utility of the work. When satisfied on these points, the means of the state may be safely employed. The interest of no community can ever be jeopardised by borrowing money under these circumstances, to expend upon permanent and imperishable works of public utility for the internal improvement of the country, which is a common benefit to all, when it is reduced to a reasonable certainty that the profits arising from such improvements, will annually exceed the interest of the sum expended, and gradually extinguish the principal. It is this policy alone, which will enable us to enjoy in an ample manner, the numerous advantages with which nature has surrounded us.

It has been generally expected that during the present session, the *National Road* would have been permanently located through Indiana; but circumstances have disappointed our wishes. As this road proceeds towards the setting sun, we feel an increased anxiety that it may be completed as soon as possible through this rising state. Under the influence of these feelings, and with due deference to the wisdom and good motives of Congress, and to the zeal and industry of our own members, allow me respectfully to submit to your consideration, whether a memorial to that body, expressing the hope which we entertain, that *respectable annual* appropriations will be made out of the national treasury, towards the continuation of that grand turnpike, would not furnish our Delegates in Congress with materials that would enable them to operate successfully in this matter in our behalf, besides having a happy influence upon that interesting question.

By virtue of the compact entered into between this state and the United States, three per cent. on the sales of all public lands within our boundaries, was granted to this state, to be applied, under the direction of our Legislature, to the making of *Roads* and *Canals* within the state. At the session of 1821-2, the Legislature passed a law authorizing the location of a number of roads, and appropriated One Hundred Thousand Dollars of the three per cent. fund for opening the same. At that time there was due to the state on that fund upwards of Forty Thousand Dollars, and the law provided for a dividend and expenditure of the residue of the sum appropriated as it may accumulate. It is well worthy of inquiry, whether the large expenditures that have already been made have answered the expectations of the public? Whether large sums have not been paid to numerous commissioners for services that could as well have been rendered by one third of the number employed, and at little more than one third of the expense? Whether a number of the roads opened under the provisions of the law, are not entirely useless to the public, and even suffered to become altogether impassable by a second growth, and neglect to keep them in repair? Whether the whole of the fund can be appropriated for an indefinite period, exclusively to *Roads*, when *Canals* are embraced in the compact? If you should think it expedient to continue this law in force any longer, it is respectfully submitted to your consideration whether it would not render the fund more effective, to reduce the number of commissioners, and change the provisions of the law, so as to prohibit a division of the fund amongst the several commissioners until a certain amount had accumulated, and to extend the scale of appropriation to other sections of

the state, which have been settled since the passage of the law?

In obedience to the resolutions of the last General Assembly inviting General Lafayette to visit this state, and requesting the Executive and citizens to "receive him with the honors due to the illustrious Guest of the State and Nation," I proceeded, in conjunction with many of our distinguished citizens, to the town of Jeffersonville, where he was welcomed to our soil in such a manner as was thought most consistent with the character and circumstances of the state. The resolutions authorized the Governor to draw on the contingent fund for the payment of the expenses incurred; and the committee of arrangements have reported to me that the whole expense amounted to the sum contained in the accounts and vouchers which are herewith respectfully submitted for your inspection. This reception of the "filial disciple of Washington," and friend of America and rational liberty throughout the world, was, it is hoped, congenial to the wishes and feelings of the General Assembly, and under the joint counsel of many who stand high in public esteem, was conducted with an eye to economy and a decent respect for the character of the state. If it were the object of the resolution to maintain the honour of the government, and barely make a public acknowledgement of our gratitude to a national benefactor, *with true and genuine republican simplicity*, that end has been accomplished. That I had the honour in conjunction with so many of my fellow citizens to greet the presence of this illustrious veteran in the cause of liberty and our country, and to express to him our unalterable sentiments of gratitude and admiration, will ever be a source of the most grateful recollection.

By the 4th section of the 9th article of the constitution of this state it is made the duty of the General Assembly "as soon as circumstances will permit," "to provide one or more farms to be an *Asylum*, for those persons who by reason of age, infirmity or other misfortunes, may have a claim upon the aid and beneficence of society on such principles, that such persons may therein find employment and every reasonable comfort, and lose by their usefulness the degrading sense of dependence."

The uniform silence of our legislature on this subject, is sufficient to induce a belief that this benevolent provision has not yet received that consideration to which it is entitled. Few things are better calculated to ensure us that honourable elevation to which our young state aspires, than for the world to witness the representatives of our free population, in the exercise of their high functions, engaged in laying a foundation

that will guarantee comfort and happiness to the unfortunate poor. It is the poor and needy that can justly claim more of our deliberations than the affluent, whose wealth sets legislative interposition at defiance. Viewing the construction of an Asylum or Asylums, as institutions, in which the citizens of all the states by some unhappy accident may be doomed to participate; and as there is yet, within our limits immense tracts of waste lands belonging to Congress, we ought not to suppose that an application to that body for a small tract of land to aid this philanthropic design, would be unsuccessful.

The existing law for the support of the poor, though perhaps as good as any that could be devised under the existing system is radically defective in the principles of humanity to the unfortunate, as well as in economy of expenditure. These unhappy objects of public charity are sold like merchandize or cattle in a public market to persons who are generally induced to become their purchasers from motives of *gain* or *avarice*, rather than humanity and benevolence, and the public charity thus offered, is often made a curse instead of a blessing. To me this practice seems degrading to our character as a christian people. Instead of lessening the sense of dependence as is contemplated in the humane provision in our constitution, such a mode of relief is calculated to *lacerate* anew the already wounded sensibility, to increase the sense of degradation, and changes the unfortunate dependent from an object of public charity into a means of *private speculation*. That this system is defective in point of economy, will at once appear obvious, by referring to the items of expenditure in the several counties in this state which I will endeavour to procure and lay before you. It is submitted to your consideration, whether the spirit of the above provision of the constitution cannot be carried into effect efficiently, by dividing the state into districts of counties, or larger, and making provisions for the establishment of an Asylum in each, where under the care of a single superintendent, made responsible for his conduct, the poor, deaf, dumb and unfortunate of the district may be collected; and those of them, of capability occupied in some useful employment contributory to their subsistence. It is believed that upon this system the poor can be maintained at an expense little exceeding one half of that which is paid by the people under the present system, besides affording abundantly the milk of human kindness.

The first section of the ninth article of the Constitution provides that "the General Assembly shall from time to time pass such laws as shall be calculated to encourage intellectual, scientific and agricultural improvements, by allowing rewards and

immunities for the promotion and improvement of arts, sciences, commerce, manufactures and natural history; and to countenance and encourage the principles of humanity, industry and morality." The utility and importance of the measures contemplated by this provision will at once be admitted. The only diversity of opinion will be, as to the means by which they are to be effected. Agriculture and manufactures are of the most immediate importance to the present and future growth of the state: and as these are the pursuits, which from our local situation, must necessarily employ a large proportion of our population; and as these too are the pursuits that mainly contribute to the wealth and prosperity of the state, the passage of a law authorising and encouraging the formation of societies for the purpose of awarding premiums for the best specimens of agricultural production, and domestic manufacture, would if carried into effect, be highly beneficial to the country, by exciting a spirit of industry and improvement.

By the second section of the same article of the constitution it is made the *duty* of the General Assembly as soon as circumstances will permit, "to provide by law for a general system of education, ascending in a regular gradation from township schools to a state university, wherein tuition shall be *gratis* and *equally open to all*." There is no subject more worthy the attention of the representatives of a free people, than that of providing means for the education of *all* classes of society, rich and poor together, in the same manner and at the same school: Nor is there a more effective method of suppressing vice, and giving countenance to, and encouraging the principles of "humanity, industry, and morality:" nor is there any better method of bringing native genius to light and usefulness. It is one of the first duties of a government, as well as of an individual, to provide the means necessary for their own existence. It has been well said that "knowledge is power" and that "ignorance is the footstool of despotism." Our's especially, is emphatically a government of the people, and its very existence depends upon their virtue and intelligence. A well educated people will always be virtuous. They only want to know their rights, to protect and defend them.

By a grant of Congress, a section of land in each township in this state, has been invested in the inhabitants of such townships for the use of Common Schools; two entire townships have been invested in the Legislature for the use of a State Seminary, and by a provision of our constitution, all fines assessed for a breach of the penal laws, and all commutations for militia services, are appropriated to the use of County Seminaries. The common school lands are estimated at six hundred and eight thousand, two hundred and seven acres, which, at two dollars per acre, would produce a fund of one million two hundred and sixteen thousand four hundred and forty-four dollars. This sum at interest at six per centum per annum, would produce seventy-two thousand nine hundred and eighty-six dollars yearly. There is now forty

thousand nine hundred and sixty acres of college lands granted to the state; all of which will show that we are furnished *with means*. It still remains for the Legislature to improve and increase these several funds, so as to carry this general scheme of education into complete effect. For further and better information on this subject in detail, permit me to refer you to the able and lucid report of a committee raised by a joint resolution of the General Assembly, approved January 9th, 1821, which was made at the ensuing session, and is now on file in the office of the Secretary of State. This report is worthy an attentive examination. I will remark, however, that this report is predicated upon a supposition that the Legislature can legally sell the lands for the use of township schools. Upon this point much doubt and great diversity of opinion exists, and it is believed that upon an attentive examination of the terms of the compact granting the sale of these lands, the right to sell will at least appear questionable, and the reasoning to support that position loose and unsatisfactory, unless the consent of the landholders in each township can be obtained. It may be noticed that section No. 16, in each township is *granted to the inhabitants of such township for the use of schools*; and they may view it as an incident to their purchase. There can be no doubt as to the right of the Legislature to sell the seminary lands, for they are by the terms of the grant "*vested in the Legislature*," to be appropriated solely to the use of a Seminary by the Legislature; and the 1st section, 9th article of the constitution wisely intimates the propriety of a sale of these lands after the year 1820. It may well be worth your attention to enquire whether they are not daily diminishing in value under the existing mode of leasing them.

The Seminary at Bloomington, supported in part by one of these townships, is in as flourishing a condition as could have been anticipated. Tuition is comparatively cheap, and no pains are spared to make the institution respectable. It cannot, I think, fail to receive our patronage. It has been suggested, that it would be serviceable to the Seminary, to place it under a directory remote from the place of its location.

The Secretary of State will lay before you the result of the enumeration of the free white male inhabitants of this state, authorized by an act of the last General Assembly, to a conformity with which the rates of representation are at this session to be reduced. In noticing the present strength of the state it may not be uninteresting to take a review of its *unparalleled increase* for the last twenty-five years. In the year 1800, it is supposed the territory contained 5,000 souls: in 1805, the population is estimated at 11,000; in 1810, at 24,000; in 1815, at 68,789; in 1820, when a census was taken under a law of the United States, at 147,178; in 1825, on a fair computation, at 250,000. Thus we perceive that our increase since 1800, proceeding in geometrical ratio, has amounted almost to a duplication every five years. Calculating upon a multiplication of inducements to settle our domains, and the continued expansion of our territory, by the year 1830 we will appear respectable in the councils of the federal government. To know that at this time we can number forty thousand citizen soldiers, gives us a presentiment of our glorious destiny.

With respect to fixing the ratio of representation, I can do but little more than to say that your own intelligence and knowledge of the people's wishes, will enable you to make the most satisfactory disposition of that difficult question. The ratio upon which the present apportionment was fixed, was as near as possible at one Senator for every eighteen hundred polls, and one representative for every seven hundred. To continue this ratio, would make a considerable addition to your present number, and to increase it so as to avoid an addition of your number, would necessarily lessen the number of Senators and Representatives from particular districts. You will no doubt enter upon the consideration of this question, with a proper regard to the rights of representation, at the same time keeping in view such economy of expenditure as the situation of our finances require.

The agent of the state at this place, will report to you the situation of In-

dianapolis affairs, by which you will see that a great number of lots, which were sold in the year 1821, are likely to be forfeited to the state.

Sundry resolutions from different states, relative to a resolution of the Ohio Legislature on the subject of slavery, have been received and are herewith submitted: Also, some resolutions relative to the proposition by the Georgia Legislature for an amendment of the constitution of the United States, which are also submitted.

It will probably be necessary, for the purpose of availing ourselves of the benefit of a law of Congress, passed at the last session, extending to the Adjutant, Major and Brigadier Generals of the several states the privilege of franking their communications, to pass a law making it the duty of those officers to make the necessary indorsements upon all letters or packages they may transmit to each other, containing military returns or commissions:

The militia law of this state, in defining the duties of Quartermaster General, has required from him, services equally arduous and more responsible than those of the Adjutant General, without allowing any compensation therefor; the consequence is, that the office will not be accepted.

The Auditor and Treasurer, whose special duty it is to report to you the situation of their several departments, will lay before you the state of the finances. It will be seen that there is considerable diminution in the amount of revenue from the last preceding year, growing out of the act of the last session, lessening the tax on land. The revenue assessed for the present year amounts to forty thousand dollars. From former delinquent lists of almost twelve thousand dollars, it is thought that the treasury will realize three thousand. It may reasonably be calculated from past events, that eight thousand dollars of the above aggregate amount, may be deducted for delinquencies and commissions; leaving for the treasury thirty-five thousand dollars. Of this sum it is believed that about five thousand dollars will be paid in outstanding claims against the state, and held by the collectors.

Thus there may be expected in the treasury on the first day of January, 1826, of available funds, the sum of *thirty thousand dollars*, to liquidate the demands of the current year. The ordinary expenses for the year, including the civil list and contingencies, will be about twenty-two thousand dollars; leaving eight thousand dollars, which may be appropriated towards sinking the public debt. The public debt is sixteen thousand, nine hundred and twenty dollars, and seventy-three cents, and consists of the following items, to wit: To the United States' assignees of the Vincennes bank, \$2,213 36, principal and interest; to the road and canal fund, \$6,475 principal and interest; treasury notes in circulation, and interest on the same, \$1,580; to the seminary fund, \$1,252 37, principal and interest; and to Frederick Rapp, \$5,300, principal and interest. It may be presumed that about three thousand dollars of this debt will be demanded during the ensuing year—hence there will be \$5,000 left in the treasury, subject to the will of the legislature.

It is your duty to provide the ways and means for the following year. To effect this purpose, the present posture of affairs will enable you to see your way clearly. Almost out of debt, and capable of meeting all the demands that will arise on the treasury during the fiscal year, and with a great increase of resources; it cannot be doubted, that the existing revenue laws will produce an abundance of means for the common purposes of the state.—It is believed that during the next season, there will be upwards of five hundred thousand additional acres of lands subject to assessment, which have heretofore been exempted for five years under the compact. From the unparalleled migration to our soil this year, we cannot well avoid the conclusion, that with vigilance on the part of officers, there will be an addition to the poll list also, including the increase by emigration, of rising seven thousand. Taking this view as correct data, the next assessment will be upwards of fifty thousand dollars, under the operation of the present law. At a period like this, when the farmer finds it difficult to sell his produce for cash, it will not be expected that more revenue will be exacted than is necessary, under the most rigid economy, for present use. If improvements are contemplated

Let us resort to a different state policy to raise the means. As the tax upon lands was moderately lessened last year, I am impressed with a belief, that you may safely diminish the assessment on the head one fourth. "I have chosen this object, because a poll tax seems to be the most odious to the people; being often viewed in no better light than as a remaining badge of British vassalage. For the harmony and good of society, it is equally as necessary that the revenue should be raised to public satisfaction, as that it should be demanded with certainty, and upon principles of equal justice. Knowing from experience, that it is more difficult to get rid of an evil, than to introduce one, it might not be good policy to reduce this tax more than a fourth at present, and so on each year for four years, when it will be dismissed from our statutes. It will be found also, that the principal cause that originally induced it, is ceasing to exist. Many articles of pleasure and luxury might be selected with more propriety, than the heads of freemen. The additional certificates of several clerks of persons unassessed, is an evidence of negligence on the part of assessors, which ought to be remedied. Before I conclude this subject, I must express my regret, that the Auditor has not yet been able to procure all the registers and maps required by the act of the last session. It may be well for the Legislature not to lose sight of such an important addition to the revenue system.

You have recently had occasion to learn that there is an alarming defalcation some where, in the discharge of a most important constitutional, legal and moral duty. It seems that there are eleven counties in this state from which no returns for Governor and Lieutenant Governor have been received. It is of no avail to impose heavy penalties on Clerks, to induce them to put a single return into a post office, whilst post masters, through whose hands these returns pass, are subject to no penalty whatsoever. It will be vanity to labour to preserve the freedom and purity of elections too, if such scenes as we have just witnessed are suffered to pass unnoticed. A law requiring the clerk in each county to transmit to the Speaker of the House of Representatives, and President of the Senate, duplicate returns by some special messenger, for whose integrity he should be responsible, (but not for unavoidable accidents,) and also one by mail, might prove more effective in always securing to the people the person of their choice.

Having detained you long enough, suffer me to conclude by reserving to myself the privilege of communicating to you in separate messages, the situation of the Penitentiary affairs, and some other matters of interest.

If my assistance and cordial co-operation, in any good measure will have the effect of facilitating your deliberations in the discharge of your high prerogative, and of bringing the session to a close as soon as practicable, I beg you, at all times, to command my services.

JAMES B. RAY.

December 8, 1825.

The Senate then retired to their chamber.

Mr. Child presented the following resolution, to wit:

*Resolved*, That the public printer be directed to print 500 copies of the Governor's message for the use of the members of the General Assembly.

Mr. Sweetser moved to strike out 500 and insert 200 which was carried in the negative.

Said resolution was then adopted.

Whereupon,

The House adjourned until 2 o'clock P. M.



2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Ketcham presented the following resolution, to wit:

*Resolved*, That the committee on education be instructed to enquire into the expediency of selling the seminary lands of Gibson and Monroe.

Mr. Sweetser moved to amend said resolution by striking out "Monroe." And

On motion of Mr. Hillis,

Said resolution and amendment were ordered to lie on the table.

On motion of Mr. Reed,

*Resolved*, That the Secretary of State be directed to furnish the select committee to whom has been referred the apportionment of representatives and senators, with all returns of polls which may not have been reported by the listers, and which may have been since assessed by the collectors, and certified by the clerks of any county.

On motion of Mr. Hannah,

*Resolved*, That the committee on the judiciary be and they are hereby requested to enquire whether any alterations in the judicial districts or circuit courts in this state is necessary, and whether the creation of one or more new circuits and the increasing the number of terms to three in each year would contribute to the means of administering justice, with leave to report by bill or otherwise.

On motion of Mr. Posey,

*Resolved*, That the message of his excellency the Governor be committed to a committee of the whole and made the order of the day for Monday next.

On motion,

Mr. Pepper was added to the judiciary committee.

The Speaker laid before the House the memorial of David Kellough J. P. on the subject of sundry defects in our revised laws, &c.; which being read,

Mr. Hawk moved to commit said memorial to the same committee of the whole to whom was committed the bill extending the jurisdiction of justices of the

peace to \$100 in civil actions; which was decided in the negative.

Said memorial was then ordered to lie on the table.

Mr. Child presented the following resolution, to wit:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the act to provide for the commissioning sheriffs and coroners and regulating their duties, that the sheriff of each county shall be collector of the revenue of his respective county, and either by himself or deputy keep his office at the county seat of his respective county.

Mr. Baird moved to amend said resolution by striking out that part which makes sheriffs collectors, &c.

On motion of Mr. Hannah,

Said resolution and amendment were ordered to lie on the table.

The Speaker laid before the House the memorial of Joseph Warner, next friend to the heirs of Benjamin Warner, lately of Philadelphia, deceased, praying certain relief; which was read and referred to a select committee of Messrs. Lemon, Daniels and Reed.

On motion of Mr. Richardson,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of authorizing the board of justices in each county to license grocery keepers to retail spiritous liquors. And

*Resolved further*, That the committee of ways and means be requested to enquire into the expediency of so amending the revenue law respecting the licensing of taverns so as to give the power of licensing to the board of justices of each county, and let them be authorized to establish the rate of license.

Mr. Johnson presented the following resolution, to wit:

*Resolved*, That the clerk of this House be and he is hereby instructed to enter upon the journal no resolution except such as may be adopted by the House, unless requested so to do by the member offering the same.

Mr. Pepper moved to amend said resolution by striking out the words "the member offering the same" and

insert the words "a member"; which was carried in the affirmative.

Mr. Richardson moved to lay said resolution on the table, which was decided in the negative.

The ayes and noes being called for by two members on the passage of said resolution as amended,

*Those who voted in the affirmative are,*

Messrs. Beckes, Gray, Hawk, Johnson, Ketcham, Lomax, Marshall, Palmer, Riley, Worth and Evans, speaker—11.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Daniels, Fitzgerald, Gard, Guion, Hannah, Hillis, Jackson, Keen, Lemon, Lewis, Moffatt, Paxton, Pepper, Posey, Reed, Richardson, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Wallace and Williams—33.

Mr. Rose, presented the following resolution, to wit:

*Resolved*, That a standing committee consisting of five in number be now appointed on the subject of canals, and that all acts in force relative to canals, and all petitions and applications concerning the same which may during the present session be presented, be referred to said committee with instructions to enquire into the radical defects if any in our canal system, with leave to report by bill or otherwise.

Mr. Paxton moved to amend said resolution by striking out the word "canals" and insert "navigation."

On motion of Mr. Hawk,

Said resolution and amendment were ordered to lie on the table.

The Speaker laid before the House a communication from Mr. Obadiah Turpen of Owen county, containing charges of corruption in office against Isaiah Cooper, a justice of the peace in said county, praying articles of impeachment may be preferred against said Cooper; which was read, and,

On motion of Mr. Hawk.

Referred to a committee of Messrs. Hawk, Sweetser

and Pepper, with leave to report thereon, &c.

Whereupon.

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, DECEMBER 9th, 1825.

The House met pursuant to adjournment.

Mr. Gard, presented the petition of John Dumont and others of Switzerland county, praying the townships in said county may be incorporated for the purpose of doing township business, which was read and referred to a select committee of Messrs. Gard, Palmer and Lemon.

Mr. Fitzgerald presented the petition of Anna Pelham of Warrick county praying to be divorced from her husband John Pelham, which was read and referred to the judiciary committee.

Mr. Beckes, presented the petition of Frances Lowndes of Knox county, late Frances Vanderburg, praying to be divorced from her husband Caleb Lowndes; which was read and referred to the judiciary committee.

Mr. Keen, presented the petition of George Ash of Switzerland county, praying relief for damage done in running the state road through his land, from Lawrenceburg through Rising-Sun and Vevay to Madison; which was read and referred to the committee on roads.

On motion of Mr. Claypool,

The resolution of yesterday directing the judiciary committee to enquire into the expediency of re enacting the 33d section of an act entitled "An act authorizing the granting of letters testamentary and letters of administration for the settlement of decedents' estates and for other purposes, approved January 29th, 1818, was taken up.

Mr. Beckes moved to amend said resolution so as to

direct said committee to report a bill; which amendment was adopted.

Mr. Palmer moved further to amend said resolution by adding the following proviso:

*Provided however,* That previous to any such application the person claiming any such title shall give notice in some public newspaper printed within said county, if there is any printed therein, if not in some paper nearest said county, setting forth the intended application, describing particularly the property, the name of the intestate and heirs of such person; which was also adopted.

The ayes and noes being demanded on the passage of said resolution as amended,

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Burnett, Claypool, Hannah, Jackson, Johnson, Lewis, Reed, Robertson, Stanford, Worth and Evans, speaker—13.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Child, Clendenin, Craig, Daniels, Fitzgerald, Gard, Gray, Guion, Hillis, Hawk, Keen, Ketcham, Lemon, Lomax, Marshall, Moffatt, Palmer, Paxton, Pepper, Posey, Richardson, Riley, Rose, Sims, Stewart, Sweetser, Walker, Wallace & Williams—31.

So said resolution was not adopted.

On motion of Mr. Child,

His resolution of yesterday relative to making sheriffs of counties collectors &c. and requiring them to keep their office at the county seat, was taken up.

Mr. Baird moved to strike out that part which made sheriffs collectors, &c.

Whereupon,

Mr. Child, with leave of the House, withdrew said resolution and amendments.

Mr. Hillis presented the following preamble and resolution, to wit:

Whereas, the great scarcity of a circulating medium, together with the hardness of the times, render it impossible for a large portion of the citizens of this state to

pay their taxes at the early period now required by law: Therefore,

*Resolved*, That the committee of ways and means be, and they are hereby instructed to enquire into the propriety of repealing so much of the revenue law as requires collectors to pay over the revenue on the second Monday in December, and to give said collectors until the first Monday in February to pay over the same.

On motion of Mr. Fitzgerald,

Said resolution was amended by striking out the words "to enquire into the propriety of," and inserting "to report a bill."

Mr. Palmer moved further to amend said resolution by striking out the first Monday in February, and inserting the first Monday in January, which was decided in the negative.

Mr. Baird moved to lay said resolution on the table, which was also lost.

The ayes and noes being called for by two members on the adoption of said resolution as amended,

*Those who voted in the affirmative are,*

Messrs. Gard, Gray, Hillis, Keen, Marshall and Walker—6.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnet, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Guion, Hannah, Howk, Jackson, Johnson, Ketcham, Lemon, Lewis, Lomax, Moffatt, Palmer, Paxton, Pepper, Posey, Reed, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Wallace, Williams, Worth and Evans, speaker—38.

So said resolution was not adopted.

On motion of Mr. Child,

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of so amending the act to provide for commissioning sheriffs and coroners and regulating their duties, as to give to the sheriffs of the counties respectively the appointment of collector of the state and county revenue of their counties.

if they or any of them should chose to accept the same; and furthermore to provide that such sheriffs shall keep their offices at the seats of justice of their respective counties.

Mr. Sweetser from the committee to whom was referred the petition of John Anderson and John M'Clelland reported a joint resolution for their relief; which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Richardson,

The House took up the memorial of David Kellogg, J. P.

Mr. Hannah moved to refer it to the committee of ways and means, which motion was lost.

Mr. Hawk then moved to commit the same to the same committee of the whole House to whom was committed the bill to increase the jurisdiction of justices of the peace to \$100 in civil actions; which was carried in the affirmative.

Mr. Palmer, in pursuance of notice given on yesterday, moved to amend the standing rules of this House by an addition to the standing committees prescribed by the eighth rule of this House, so as to add one standing committee on *roads* and one standing committee on the affairs of *Indianapolis*; which amendment was agreed to by the House.

On motion of Mr. Ketcham,

*Resolved*, That the committee on military affairs be instructed to enquire into the propriety of authorizing commandants of regiments to receive resignations from captains and sebalterns, and also that they be instructed to enquire into the propriety of making it the duty of majors to advertise all elections for military officers in the bounds of their respective regiments.

On motion,

Mr. Ketcham was added to the committee on military affairs.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Sweetser presented the petition of Robert Piatt, praying a repeal of the law of last session authorizing the administrators of John H. Piatt, deceased, to sell all the real estate of the deceased in this state; which being read was referred to a select committee of Messrs. Sweetser, Baird and Guion.

Mr. Richardson presented the following resolution, to wit:

*Resolved.* That this House will on this day at 3 o'clock P. M. proceed to the election of a Sergeant at Arms.

On motion of Mr. Child,

Said resolution was ordered to lie on the table.

The House proceeded to consider the orders of the day.

The bill for the relief of Benjamin F. Barker and Henry Waggoner, and the bill to amend an act entitled "An act providing for the settlement of decedent's estates and for other purposes," approved January 26th, 1824: were read the second time and committed to a committee of the whole House to morrow.

The bill legalizing the proceedings of the trustees of congressional school township, sec. 13, in range No. 13, Fayette county, was read the second time and committed to a committee of the whole House on Monday next.

The engrossed bill to amend the act entitled "An act to establish seats of justice in new counties," was read the third time and passed.

*Ordered,* That the same be entitled "An act," and that the clerk carry the same to the Senate and ask their concurrence.

The House resolved itself into a committee of the whole on the bill to amend an act entitled "An act appointing commissioners to re-locate the seat of justice of Lawrence county.

Mr. Beckes in the chair,

After some time spent therein Mr. Speaker resumed the chair, and Mr. Beckes reported said bill with several amendments, which were read and concurred in by the House.



Mr. Williams moved further to amend said bill by inserting in section 1, 8th line, after the word "thereon," the words "*from the day when the same was so valued by the said commissioners,*" and in the 11th line strike out the words "*and interest,*" and in the 16th line strike out the words "*with interest;*" which said amendments were not adopted.

Mr. Howk then moved to indefinitely postpone said bill, which was decided in the negative.

Mr. Sweetser then moved to re-commit said bill as amended, to a committee of the whole House on Tuesday next, which was carried in the affirmative.

The House resolved itself into a committee of the whole on the bill to amend an act entitled "An act to incorporate Medical Societies and providing for the practice of physic and surgery in this state."

Mr. Riley in the chair,

After some time spent therein Mr. Speaker resumed the chair and reported one amendment, which was by striking said bill out from its enacting clause; in which he asked the concurrence of the House: And

On motion,

The House concurred therein.

On motion of Mr. Robertson the further consideration of said bill was indefinitely postponed.

The House resolved itself into a committee of the whole on the bill to amend an act entitled "An act prescribing the mode of changing the venue," approved January 28th, 1824,

Mr. Worth in the chair,

After some time spent therein Mr. Speaker resumed the chair, and Mr. Worth reported said bill without amendment.

On motion of Mr. Howk,

Said bill was re-committed to a select committee of Messrs. Howk, Sweetser, Gray and Craig.

On motion of Mr. Hillis,

Mr. Stanford was added to the committee to whom was referred the petition of Levi S. House and others.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, DECEMBER 10th, 1825.

The House met pursuant to adjournment.

Mr. Craig presented a petition of John Sunman and others, and David Palmer and others of Ripley county, praying the townships in said county may be incorporated for the purpose of doing township business; which was read and referred to the same committee to whom was referred the petition of John Dumont and others.

And on motion,

Mr. Craig was added to said committee.

Mr. Beckes presented a petition of John R. Montgomery, late collector of Gibson county, praying certain relief for money paid by him into the state treasury by mistake; which being read was referred to a select committee of Messrs. Beckes, Johnson and Daniels, with leave to report by bill or otherwise.

Mr. Posey laid before the House a petition of Rebecca Heath, of Harrison county, surviving administratrix of the estate of Harvey Heath, deceased, praying authority to sell the real estate of the deceased to pay the debts of the estate; which being read was referred to a select committee of Messrs. Posey, Paddacks and Stewart.

Mr. Rose presented a petition of Israel Hamilton and others, of Union county, praying authority by law to sell one half of the public square in the town of Liberty, in said county, for the purpose of finishing the courthouse; which being read was referred to a select committee of Messrs. Rose, Claypool and Walker, with leave to report by bill or otherwise.

Mr. Keen presented a petition of Daniel Haycock and others, of Switzerland county, praying that Loglick creek from the mouth thereof to White's mills may be declared a public highway; which was read and re-

ferred to a select committee of Messrs. Keen, Stanford and Robertson, with leave to report by bill or otherwise.

Mr. Fitzgerald presented a petition of Walter Wilson and others, of Gibson county, praying a law to pass for the relief of purchasers of lands in the seminary township in said county; which being read was referred to a select committee of Messrs. Fitzgerald, Wallace and Paddacks.

Mr. Gray from the committee to whom was referred the petition of Thomas Burnet and others, reported a joint resolution in pursuance of the prayer of the petitioners; which was read the first time and passed to a second reading on Monday next.

Mr. Robertson from the select committee to whom was referred the petition of Jonathan Burch and others, reported a bill for the formation of a new county out of the counties of Montgomery and Wabash; which was read the first time and passed to a second reading on Monday next.

Mr. Wallace from the committee of unfinished business reported as follows:

*Mr. Speaker,*

The committee appointed to enquire into the state of the unfinished business of last session of the General Assembly, have discharged that duty, and as yet have found but one bill as part of the unfinished business of last session, which is a bill to change the present mode of taxation to an *ad valorem* system; which is herewith presented.

Mr. Boon submitted the following report, to wit:

*Mr. Speaker,*

Your committee have had under their consideration the petition of Ephraim Kester and others, to establish a state road from Dixon's and Lamberton's mills, in Vigo county, to Carlisle, in Sullivan county, and are of opinion that the petition is unreasonable and ought not to be granted.

On motion,

Said report was concurred in by the House.

Mr. Sweetser from the committee to whom was re-

ferred the petition of Robert Piatt, reported a bill to repeal an act entitled "An act authorizing the administrators of John H. Piatt, deceased, to sell the real estate of the deceased in this state," approved 1825; which was read the first time, the rule was dispensed with, said bill was then read the second time and ordered to be engrossed and read the third time on Monday next.

On motion of Mr. Hillis,

*Resolved*, That the committee heretofore appointed on state roads be considered a standing committee on roads according to the amended rule of this House.

A message from the Senate by Mr. Farnham their assistant Secretary:

*Mr. Speaker*,

The Senate have passed an engrossed bill from this House entitled "An act providing for contesting the election of Governor and Lieutenant Governor with several amendments, in which they desire the concurrence of this House.

Mr. Sweetser moved to amend the first amendment made by the Senate by striking out the words, seven members of the Senate and seven members of the House of Representatives, and insert thirteen members; nine from the House of Representatives and four from the Senate; which amendment was adopted.

The House concurred in the second and third amendments made by the Senate, but disagreed to the fourth amendment.

*Ordered*, That the clerk inform the Senate thereof, and ask their concurrence.

Mr. Speaker appointed Messrs. Palmer, Reed, Lemon, Paxton and Guion, a standing committee on the affairs of the town of Indianapolis.

The House proceeded to consider the orders of the day.

The joint resolution for the relief of John Anderson and John M'Clelland was read the second time; rule dispensed with, read a third time and passed.

*Ordered*, That the clerk carry the same to the Senate and ask their concurrence.

The House resolved itself into a committee of the whole on the bill legalizing the proceedings of the board of justices of Vermillion county, for the year 1825;

Mr. Williams in the chair,

After some time spent therein Mr. Speaker resumed the chair, and Mr. Williams reported said bill with one amendment, which was read and concurred in by the House.

*Ordered*, That said bill be engrossed, and read a third time on Monday next.

The House resolved itself into a committee of the whole on the bill for the relief of Benjamin F. Barker and Henry Waggoner,

Mr. Baird in the chair,

After some time spent therein Mr. Speaker resumed the chair, and Mr. Baird reported said bill with one amendment, which was read and concurred in by the House.

*Ordered*, That said bill be engrossed and read the third time on Tuesday next.

Mr. Speaker laid before the House the following report from Samuel Merrill, Esq., Treasurer of State, to wit:

In obedience to the provisions of the act, concerning the Auditor of public accounts and the Treasurer of state, the following exhibit of the revenue and expenditure of the state, from the 1st Jan. to the 3d December, 1825, is respectfully submitted:

|  |   |   |             |
|--|---|---|-------------|
| Amount in the Treasury at the commencement of the above term,  | - | - | \$26,587 78 |
| During the same the receipts for revenue of 1822, amount to  | - | - | 772 06      |
| “ 1823,  | - | - | 1,205 88    |
| “ 1824,  | - | - | 7,328 96    |
| “ 1825,  | - | - | 6,954 84    |
| From the seminary fund,  | - | - | 325 00      |
| The agent for Indianapols,   | - | - | 4,890 82    |
| Collections from property not assessed, reported to this office,   | - | - | 103 30      |
| From paymaster of 40th regiment for fines collected of persons conscientiously scrupulous of bearing arms, | - | - | 7 00        |

Penalty for delay of payment by collector of Madison,

6 32

---

Total, \$48,181 96

The following sums have been paid during the above period:

|                                       |          |
|---------------------------------------|----------|
| For public printing,                  | 964 93   |
| For stationary,                       | 204 87   |
| Interest on treasury notes,           | 285 93   |
| For contingent expenses,              | 1,665 28 |
| For expenses of the last Legislature, | 6,832 76 |
| “ of Presidential election,           | 50 32    |
| “ of state prison,                    | 453 61   |
| “ of Seat of Government,              | 6,023 51 |
| “ of the Judiciary,                   | 3,418 48 |
| “ of the Executive,                   | 1,471 23 |
| “ of Circuit prosecutors,             | 1,135 00 |
| “ of the Attorney General,            | 50 00    |
| “ of the Adjutant General,            | 73 08    |

This department is entitled to a credit for treasury notes burnt, pursuant to an act of the last Legislature, amounting to

18,541 00

Balance on hand, 7,011 95

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\$48,181 96

The following items constitute the state debt:

|  |          |
|--|----------|
| Outstanding warrants,                      | 691 00   |
| Treasury notes in circulation,             | 1,459 00 |
| Estimated interest,                        | 120 00   |
| Executive claims not audited,              | 500 00   |
| Judiciary,                                 | 2,275 00 |
| Circuit prosecutors,                       | 437 50   |
| To A. Baddollet, for register and map, &c. | 280 62   |
| Claim for printing,                        | 40 00    |
| To U. S. assignees of Vincennes bank,      | 1,873 17 |
| Interest,                                  | 440 19   |
| To road and canal fund,                    | 5,000 00 |
| Interest,                                  | 1,475 00 |
| Seminary fund,                             | 1,296 96 |
| Interest,                                  | 113 18   |
| Frederick Rapp,                            | 5,000 00 |
| Interest,                                  | 300 00   |

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\$21,301 62

There is also due the contractors for building the court-house in Indianapolis, to be paid from proceeds of sales of lots,

915 97

The following statement of the assessments and receipts for revenue since the year 1820, while it affords encouraging evidence of the increase of our means, exhibits an alarming increase of delinquency.

|                       |             |
|-----------------------|-------------|
| Assessments for 1820, | \$14,978 85 |
| “ 1821,               | 23,048 92   |
| “ 1822,               | 33,527 88   |
| “ 1823,               | 37,875 51   |
| “ 1824,               | 44,445 11   |
| Receipts from same    | \$12,344 33 |
| “ “                   | 19,682 35   |
| “ “                   | 26,081 15   |
| “ “                   | 27,434 31   |
| “ “                   | 34,022 26   |

There will no doubt be further payments on the above, but the amount cannot be considerable.

Pursuant to the provisions of the militia law, returns of fines assessed on persons conscientiously scrupulous of bearing arms have been made to this office from the 8th, 9th, 11th, 19th, 30th, 38th, 40th & 48th Reg'ts. amounting in the whole to \$332 50. Of this sum only seven dollars have been paid. A revision of the law on this subject is respectfully suggested so far as to compel punctual returns; and to require the collectors instead of the paymaster, to pay the money into the Treasury.

At the last term of the Marion circuit court judgment was obtained against the late Treasurer for the balance in his hands, amounting to \$1,150 78.

I have the honor to be,

SAMUEL MERRILL, Treas'r State.

The Hon. SPEAKER of the  
House of Representatives.

Whereupon,

The House adjourned until Monday morning, 9 o'clock.

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MONDAY MORNING, DECEMBER 12th, 1825.

The House met pursuant to adjournment.

Mr. Johnson presented a petition of Henry Hopkins and others, of Pike county, praying part of said county may be attached to the county of Warrick; which was

read and referred to a select committee of Messrs. Johnson, Fitzgerald and Daniel, with leave to report by bill or otherwise.

Mr. Baird presented a petition of Joseph Green and others, of Washington county, praying that the 15th section of land in township 2 north, of range No. 4 east, may be leased for the term of ten years; which was read and referred to a select committee of Messrs. Baird, Marshall and Moffatt, with leave to report by bill or otherwise.

Mr. Williams presented a petition of Samuel F. Irwin and others, of Lawrence county, praying the relocation of a part of the state road leading from Levinworth to Indianapolis; which was read and referred to the standing committee on roads.

Mr. Posey presented a petition of James and Eliza Kirkpatrick, administrator and administratrix of James Kirkpatrick late of Harrison county, deceased, praying authority to sell the real estate of the deceased for the benefit of the heirs; which was read and referred to a select committee of Messrs. Posey, Stewart and Clendenin.

Mr. Posey also presented a petition of William Kindal, with accompanying documents, praying an additional tax may be levied on the people of Perry county, to pay a certain debt due by said county; which was read and referred to a select committee of Messrs. Posey, Daniel and Johnson.

Mr. Pepper presented a petition of Thomas Howard and others, of Dearborn county, with accompanying documents, praying that Annanah Rollins and John Dixon may be exempted from paying taxes, in consequence of poverty, age and revolutionary services; which was read and referred to a select committee of Messrs. Pepper, Guion and Jackson, with instructions to report a bill for the relief of all persons similarly situated.

Mr. Beckes from the select committee to whom was referred the petition of John R. Montgomery, late collector of Gibson county, and accompanying documents, reported a bill for his relief; which was read the first time and passed to a second reading to-morrow.



Mr. Burnett from the committee to whom was referred the petition of William Wright, of Floyd county, reported a bill in pursuance of the prayer of the petitioner; which was read the first time and passed to a second reading on to morrow.

Mr. Stewart, from the committee to whom was referred the petition of Elisha Tadlock and others, securities of the late sheriff of Crawford county, reported a bill for their relief; which was read the first time and passed to a second reading to-morrow.

Mr. Keen, from the committee to whom was referred the petition of Thomas Ramsay and others, reported a bill to amend an act entitled "An act declaring certain streams therein named public highways," approved January 26th, 1824;" which was read the first time and passed to a second reading to morrow.

The Speaker laid before the House the following communication from William H. Lilly, Auditor of Public Accounts, to wit:

#### AUDITOR'S OFFICE.

December 10th, 1825.

To the Honorable the Speaker of the  
House of Representatives,

SIR—In obedience to an act of the General Assembly, entitled "An act concerning the Auditor of public accounts and Treasurer of State," I have the honor herewith to transmit you my annual report.

I have the honor to be, &c.

WM. H. LILLY, Aud. Pub. Ac'ts.

The Auditor of Public Accounts, in obedience to an act of the General Assembly, entitled "An act, concerning the Auditor of Public Accounts and Treasurer of State," submits the following report, to wit:

There was remaining in the Treasurer's hands, on the 31st Dec., 1824, as per former report, provided all claims audited to that date have been paid, the sum of \$25,381 59

Since the above period to the 3d Dec., 1825 inclusive, there has been received from sundry collectors on account of balances due for 1822, the sum of - - -

772 06

From sundry collectors for balances due for 1823, the sum of - - -

1,205 88

" sundry collectors for the year 1824, the sum of 7,328 96

" sundry collectors for the year 1825, the sum of 6,954 84

|  |             |
|--|-------------|
| From the commissioners of the seminary lands in Gibson county,   | 325 00      |
| For delinquencies from the counties of Parke, Jackson, Washington, for 1823—from Switzerland for 1820, & Jennings for 1824, amounting in all, to | 73 80       |
| From Benjamin J. Blythe, agent at Indianapolis, the sum of   | 4,890 82    |
| “ the paymaster of the 40th regiment for fines collected,  | 7 00        |
| For unlisted lands for Allen and Union counties, for the years 1824 and 1825, the sum of   | 29 50       |
| For damages collected from the collector of Madison county for 1824,   | 6 32        |
| <hr/>  |             |
| Making in all, the sum of  | \$46,975 77 |

|   |           |
|---|-----------|
| Since the above periods there has been audited in liquidation of the expenses of the presidential election, the sum of  | \$10 00   |
| In liquidation of the state prison, the sum of  | 771 61    |
| In liquidation of the judiciary department,   | 2,823 00  |
| In liquidation of the last General Assembly, and special appropriations which come under no general head,   | 6,638 56  |
| In liquidation of the seat of government, including one thousand dollars paid for building the Treasurer's and Auditor's offices; also four thousand eight hundred and ninety dollars and eighty-two cents, paid the commissioners of Marion county towards completing the building of the courthouse, the sum of | 6,223 51  |
| In liquidation for stationary furnished the last General Assembly,  | 204 37    |
| In liquidation of the attorney general's salary,  | 50 00     |
| In liquidation of expenses for circuit prosecutors,   | 920 50    |
| In liquidation of the executive department including fifty dollars for house rent for the Governor,   | 1,471 23  |
| In liquidation of militia expenses,   | 73 08     |
| In liquidation of public printing, the sum of   | 964 93    |
| In liquidation for interest on treasury notes,  | 285 93    |
| In liquidation of the contingent expenses,  | 1,665 28  |
| In addition to the above claims specified, the treasury is entitled to a credit for treasury notes burnt pursuant to an act of the last General Assembly, to the sum of   | 13,541 00 |

Making in all, the sum of \$40,643 50

Which deducted from the sum of \$46,975 77 as reported to have been received, will leave a balance in the hands of the Treasurer, provided all the claims audited to this date have been paid, the sum of - - - - - \$6,332 27

The assessments of all the counties in the state for revenue for the year 1825 amounts to \$40,131 39

Of which the amount assessed for Poll tax amounts to \$18,417 00

For delinquents and unlisted lands for 1825 the following returns have been made:

From the county of Franklin \$107 57; Fayette \$45 47; Wayne \$42 05; Ripley \$81 33; Sullivan \$23 72; Parke \$8 22; Allen \$3 50; Vermillion \$16 96; Monroe \$38 18; Union \$29 00; Crawford \$3 39; making in all the sum of - - - - - \$399 39

Attempts were made at an early period to procure from the Land offices for this state the maps and registers of the entries of land, as required by the revenue law of the last session.— No answer was received to the application to the Register of the Cincinnati land office, and the register at Jeffersonville and Vincennes at first declined engaging on terms that the appropriation last session would have justified. In June however a contract was made with the latter for his district, and which was completed in November, and has lately arrived at this office. The registers for the balance of the State are making out at the Surveyor General's office on much more moderate terms than they could be procured elsewhere; they are to be furnished for one dollar twelve and a half cents per township. That for the Cincinnati district arrived a few days since, the balance are expected shortly.

Respectfully submitted,

WM. H. LILLY, Aud. Pub. Acct's.

Which being read, was referred to the committee of ways and means.

Mr. Child having obtained leave, presented a bill requiring the Secretary of State to procure a letter book for the use of this state, which was read the first time, and passed to a second reading to morrow.

Mr. Keen presented the following resolution for the consideration of the House, which was not adopted, to wit:

*Resolved,* That a committee be appointed to enquire

whether sufficient cause exists against the following clerks of circuit courts. to wit:

James McKinney, of Bartholomew county,  
 James Stott, of Jennings county,  
 John Lowry, of Lawrence county,  
 James P. Drake of Posey county,  
 Charles Conway, of Randolph county,  
 Samuel Coleman, of Sullivan county,  
 James Leviston, of Union county,  
 Anthony L. Davis, of Allen county,  
 John R. Freeland, of Owen county,  
 Arthur McGaughey, of Putnam county, and  
 John Rowley, of Clay county,

to proceed against them by impeachment on a charge of high misdemeanor, as directed by the third section of an act concerning clerks, approved January 11th, 1824, for having neglected to make return of the votes given in their respective counties on the first Monday in August last for Governor and Lieutenant Governor.

Mr. Rose presented the following resolution which was read and ordered to lie on the table, to wit:

*Resolved*, That the committee on military affairs be instructed to enquire into the constitutionality of Lieutenant Colonels and Majors of militia being elected by the whole regiment, instead of being elected within their respective battalions and regiments, the mode prescribed by the constitution.

On motion of Mr. Reed,

*Resolved*, That the Auditor of Public Accounts be directed to report to this House what part of the \$13,963 02, due from collectors on the first Monday in February last, yet remains unpaid, from what counties and what year, and whether or not suits have been commenced for such sums, distinguishing those for which suits have not been instituted.

The Speaker laid before the House the following communication from the Hon. B. F. Morris, President Judge of the fifth judicial district.

INDIANAPOLIS, DECEMBER 9th, 1825.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

The 13th section of the "Act regulating the fees of the several officers and persons therein named," approved January 30th, 1824, pro-

vides that "whenever there shall appear a claim for official services, rendered by any officer of a court of justice, and there does not appear to be any fee fixed by law as a compensation therefor, the court on application, shall make an order, specifically fixing the allowance for such claim," and that the Presidents of the several circuits shall report all such cases to the next General Assembly.

By an order of the Marion Circuit Court, at their April term, 1825, the following allowances were made for official services, for which there does not appear to be any compensation fixed by law.

|  |        |
|--|--------|
| For each official or other bond and filing, not otherwise provided for,                        | \$0,56 |
| For qualifying any person into office, and endorsing and filing the oath,                      | 0,25   |
| For letters of guardianship, qualifying the guardian, and the necessary orders of appointment, | 1,00   |
| For license to venders of merchandize, with the certificate and seal annexed,                  | 0,50   |
| For a replevin of record and acknowledgment,   | 0,50   |

It was further ordered, that for serving notices, copies of orders and copies of rules, when done by order of the court, the Sheriff should be allowed the same fees as are fixed by law for serving other mesne process.

The law does not fix any compensation for the services of Associate Judges.

I am respectfully, &c.

B. F. MORRIS, President  
Fifth Judicial Circuit.

Which was read and referred to the judiciary committee.

On motion of Mr. Palmer the resolution fixing the ratio of Senators and Representatives was taken up.

On motion of Mr. Lomax the No. 1000 was stricken out.

Mr. Hannah moved to insert 900 for Representatives, which was decided in the negative.

Mr. Sweetser then moved to fill up the blank with 800 for Representatives, and the ayes and noes being demanded by two members, were as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Burnett, Child, Claypool, Craig, Gray, Guion, Hannah, Hillis, Howk, Jackson, Lemon, Lewis, Lomax, Paddacks, Palmer, Pepper, Posey, Reed, Rose, Sweetser, Walker, Williams and Worth—25.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Clendenin, Daniel, Fitzgerald, Gard, Johnson, Keen, Ketcham, Marshall, Moffatt, Paxton, Richardson, Riley, Robertson, Sims, Stanford, Stewart, Wallace and Evans, speaker—20.

So said resolution was amended by filling the blank with 800.

Mr. Sweetser then moved further to amend said resolution by adding at the end thereof the words "and for Senators 2000 polls," and the ayes and noes being demanded by two members on the adoption of said amendment,

*Those who voted in the affirmative are,*

Messrs. Beckes, Burnett, Claypool, Craig, Gray, Guion, Hannah, Hillis, Hawk, Jackson, Lemon, Lewis, Lomax, Marshall, Paddacks, Palmer, Pepper, Posey, Reed, Rose, Sweetser, Walker, Williams and Worth—24.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Child, Clendenin, Daniel, Fitzgerald, Gard, Johnson, Keen, Ketcham, Moffat, Paxton, Richardson, Riley, Robertson, Sims, Stanford, Stewart, Wallace and Evans, speaker—21.

So said amendment was adopted.

Mr. Child then moved further to amend said resolution, so as to give the county of Washington three members, which was decided in the negative.

Said resolution was then read as amended, and adopted by the House.

The House resolved itself into a committee of the whole on the Governor's Message,

Mr. Burnett in the Chair,

After some time spent therein the Speaker resumed the chair, and Mr. Burnett reported progress, and asked leave to sit again.

Which leave was accordingly given.

And then the House adjourned until 2 o'clock P. M.  
2 o'clock P. M.

The House met pursuant to adjournment.

The Speaker laid before the house the following communication from His Excellency the Governor, to wit:

EXECUTIVE DEPARTMENT, INDIANA, }  
DECEMBER 12th, 1825. }

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES,

SIR—Allow me to lay before you the enclosed communications

relative to the abolition of Slavery, and to an amendment proposed by the Georgia Legislature to the Constitution of the United States, with a request that you may submit them to the House over which you have the honor to preside.

Respectfully,

J. BROWN RAY.

Which was read, together with the accompanying documents and ordered to lie on the table.

On motion of Mr. Sweetser,

*Resolved*, That the standing committee on the affairs of Indianapolis be instructed to enquire into the expediency of permitting the lessee of the ferry across White river, near Indianapolis, to expend the rent thereof due for the time he has leased the same, in building a permanent dwelling house for the use of the ferryman, to to be hereafter rented with said ferry.

The House proceeded to consider the orders of the day.

The engrossed joint resolution on the subject of obtaining further indulgence to the purchasers of public lands, was read a second time and committed to a committee of the whole House to-morrow.

The bill for the formation of a new county out of the counties of Montgomery and Wabash, was read the second time and committed to a committee of the whole House to-morrow.

The bill concerning the revenue which was reported as part of the unfinished business of last session, was read the first time and passed to a second reading to-morrow.

The engrossed bill to legalize the proceedings of the board of justices of Vermillion and Hamilton counties, for the year 1825, was read the third time and passed.

*Ordered*, That the same be entitled "An act," and that the clerk carry the same to the Senate and ask their concurrence.

The engrossed joint resolution for the relief of John Anderson and John M'Clelland, was read the third time and passed.

*Ordered*, That the clerk carry the same to the Senate and ask their concurrence.

The engrossed bill to repeal an act entitled "An act

authorizing the administrators of John H. Piatt, deceased, to sell all the real estate of the deceased in this state," was read the third time and passed.

*Ordered*, That the same be entitled "An act," and that the clerk carry the same to the Senate and ask their concurrence.

The engrossed bill for the relief of Benjamin F. Barker and Henry Waggoner, was read the third time and passed.

*Ordered*. That the same be entitled "An act," and that the clerk carry the same to the Senate and ask their concurrence.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The Senate disagree to the amendment made by the House of Representatives to the first amendment made by the Senate to the engrossed bill from the House of Representatives entitled an act providing for contesting the election of Governor and Lieutenant Governor, and they recede from the fourth amendment to said bill; to which fourth amendment the House of Representatives disagreed.

They have also passed the following resolution:

*Resolved*, That the Senate reciprocate the resolution of the House of Representatives in regard to a joint meeting of the committee on education.

Mr. Hawk moved that this House recede from their amendment to the first amendment made by the Senate, which was decided in the negative.

Mr. Sweetser then moved that this House insist on their amendment, which was carried in the affirmative.

*Ordered*, That the clerk inform the Senate thereof.

The House resolved itself into a committee of the whole on the bill to amend the act entitled "An act providing for the settlement of decedents' estates and for other purposes," approved, January 26th 1824.

Mr. Johnson in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Johnson reported progress, and asked leave to sit again.



Which leave was accordingly given.

The House resolved itself into a committee of the whole on the bill legalizing the proceedings of the trustees of Congressional school township No. 13, in range 13, in Fayette county,

Mr. Pepper in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Pepper reported said bill without amendment.

*Ordered.* That said bill be engrossed and read the third time on to-morrow.

Mr. Lomax moved to discharge the committee of the whole to whom was committed the bill to increase the jurisdiction of justices of the peace to 100 dollars in civil actions, and the communication of David Kellough, J. P. from the further consideration of the same; which was decided in the negative.

The house then resolved itself into a committee of the whole on said bill and communication.

Mr. Sweetser in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Sweetser reported progress, and asked leave to sit again.

Which leave was given.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

## TUESDAY MORNING, DECEMBER 13th, 1825.

The House met pursuant to adjournment.

Mr. Reed presented a certificate of the election of Samuel Lewis, signed by the clerk of Franklin county, by which it appeared that Mr. Lewis was duly elected to represent said county in the place of Noah Noble, resigned: And,

On motion of Mr. Palmer,

Mr. Lewis is received and acknowledged as a member of this House.

Mr. Lewis was then sworn into office by the Hon. Isaac Blackford and took his seat accordingly.

Mr. Paxton presented a petition of sundry citizens of the town of Indianapolis, praying certain relief to purchasers of lots in said town; which was read and referred to the standing committee on the affairs of Indianapolis.

Mr. Walker presented the petitions of Adam Troutman and others, and John Burns and others, citizens of Jefferson. Scott and Jennings counties, praying authority to improve the navigation of the Muscatituck river from the mouth of Graham's fork to the mouth thereof, and from the forks thereof at Vernon to its mouth; which was read and referred to a select committee of Messrs. Walker, Hillis, Gray and Marshall.

Mr. Paxton presented a petition of Thomas M. Pendleton and others, of Madison county, praying the relocation of the seat of justice of said county; which was read and referred to a select committee of Messrs. Paxton, Keen, Stanford and Sweetser.

On motion of Mr. Child,

*Resolved*, That Rollin C. Dewey, enrolling clerk, be called in and sworn into office.

Mr. Dewey was then called in and sworn into office by the hon. Isaac Blackford, and proceeded in the discharge of his duties.

Mr. Boon presented a petition of sundry citizens of Sullivan county, praying a change in the present mode of doing county business; which was read and referred to the same committee of the whole to whom was committed the bill to change the present mode of doing county business.

Mr. Child submitted the following report, to wit:

*Mr. Speaker,*

The standing committee on roads, to whom was referred the petition of George Ash, of Switzerland county, praying for a law to pass to compensate him for damage done in consequence of a state road running through his land, have had the same under consideration, and are of opinion that the prayer of the petitioner is unreasonable and ought not to be granted.

Which being read was concurred in by the House.

Mr. Sims submitted the following report, to wit:

*Mr. Speaker,*

The select committee to whom was referred the petition of Adam Brenton have had the same under consideration, and are of opinion that the prayer of the petitioner is unreasonable and ought not to be granted.

Which was read and concurred in by the House.

A message from the Senate by Mr. Farnham, their assistant secretary.

*Mr. Speaker,*

The Senate have adopted the following resolution.

*Resolved,* That a committee of free conference be appointed on the part of the Senate to act with a similar committee to be appointed on the part of the House of Representatives, on the subject matter of difference between the two houses relative to the amendment made by the House of Representatives to the amendment made by the Senate to the engrossed bill entitled "An act providing for contesting the election of Governor and Lieutenant Governor," that the House of Representatives be informed thereof, and a similar resolution on their part requested, and that the Senate have appointed Messrs. Graham and Stapp said committee on their part.

On motion of Mr. Hillis,

*Resolved,* That a similar committee be appointed on the part of this House, to act with the committee appointed on the part of the Senate, relative to the subject matter of difference between the two houses on the bill providing for contesting the election of Governor and Lieutenant Governor.

Whereupon,

Messrs. Sweetser and Palmer were appointed that committee on the part of this House.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Rose from the committee to whom was referred the petitions of Joseph Hanna and others, and William Becket and others, praying that part of the county of Franklin may be attached to the counties of Union and Fayette, reported a bill to amend an act entitled "An

act relative to county boundaries," approved January 31st, 1824; which was read the first time and passed to a second reading to-morrow.

Mr. Reed presented the following protest against reporting said bill, which was read and ordered to be spread on the journal, to wit:

*Mr. Speaker,*

The under-signed, one of the select committee to whom was referred the petition of Joseph Hanna and others, praying that a part of Franklin county may be attached to Union county, begs leave, as the minority of that committee, to report that it is inexpedient to grant the prayer of the petitioners for the following reasons, to wit:

1st. That the territory named will, if united with Union county, reduce the said county below the constitutional size.

2d. There is a respectable number of men residing within the limits of that part of Franklin proposed to be attached to Union who have not signed the petition.

3d. That the county of Franklin at the time when Fayette and Union were formed out of a part of her territory, was largely indebted, which debt had accrued for public buildings, a part of which is still due and unpaid; and to reduce her further will impose a greater burden on the good people of Franklin county, by curtailing her means of reducing her debt, circumscribed and lessened in her bounds; and the good people within the bounds of the county prayed for are not, as the undersigned verily believes, laboring under the disadvantages complained of, but that it has been introduced in the petition only to amuse the people.

5th. That all alterations in the boundaries of counties, in the humble opinion of the undersigned, should be made to meet the wishes of a majority of all the people in the county interested in such change, and not to gratify the whims of a few who may become restless.

6th. That the seat of justice of Franklin county is nearer the east line than the west, and by striking from the northern boundary the territory prayed for would give rise to a contention about the seat of justice, the

said county being now much longer from east to west than it is from north to south.

### JOHN REED.

Mr. Posey, to whom was referred the petition of Rebecca Heath, surviving administratrix of Harvey Heath, deceased, reported a bill authorizing the surviving administratrix of said estate to sell and convey the real estate of the deceased for the payment of debts; which was read the first time and passed to a second reading to morrow.

Mr. Richardson presented a petition of A. Gentry and others, of Posey county, praying that the fees and salaries of all the officers of government may be reduced, from the governor down to the constable; which was read and referred to the committee of ways and means.

Mr. Fitzgerald presented the following report, to wit:

*Mr. Speaker,*

The committee to whom was referred the petition of Walter Wilson and others, on the subject of purchasers of Seminary lands in Gibson county, report, That your committee have had the same under consideration, and that from the best information they can obtain there is but one purchaser a Mr. Alexander Dick, who has failed to complete his payments agreeably to the terms of his purchase. Your committee would respectfully recommend the passage of the herewith reported bill for the relief of the said Alexander Dick; all of which is respectfully submitted.

Said bill was read the first time and passed to a second reading to-morrow.

On motion of Mr. Burnett,

*Resolved*, By the House of Representatives that the committees of the two houses on military affairs be requested to meet together at such time and place as the chairmen of their respective committees shall appoint, and report such amendment to the militia law as they may deem expedient, and that the Senate be informed thereof and their concurrence requested.

On motion of Mr. Child,

*Resolved*, That his excellency the Governor be re-

requested to lay before this House the different items of expense, drawn from the contingent fund, incurred by the reception of General Lafayette, with the accounts and vouchers.

Mr. Stanford presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency and propriety of collecting and arranging in the smallest possible compass, the laws of the United States now in force on the subject of the naturalization of Aliens, with a view to have the same published with the acts of the General Assembly, as an appendix to the same, for the information of the people of this state.

Mr. Beckes moved to amend said resolution by striking out the words "to enquire into the expediency and propriety of collecting," and insert "to report a bill to collect and arrange;" which amendment was adopted.

Said resolution was then read as amended and adopted.

On motion of Mr. Claypool,

The resolution of Mr. Rose on yesterday, relative to an enquiry into the constitutionality of certain parts of the militia law, was taken up, and adopted by the House.

Mr. Fitzgerald presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the military committee be, and they are hereby requested to enquire into the expediency of reducing militia fines, the compensation allowed to judge advocates, and the number of militia musters.

Mr. Lomax moved to amend said resolution by directing said committee to report a bill on that subject, which amendment was adopted.

Mr. Sweetser then moved further to amend said resolution by adding at the end thereof, as follows:—"And to exempt from militia duty such persons as are conscientiously scrupulous of bearing arms, except in time of war."

Said resolution and amendment were then ordered to lie on the table.

The Speaker laid before the House a communication

from James Stott, clerk of the Jennings circuit court, which was read, and

On motion of Mr. Walker,

Was ordered to be spread upon the journals.

DEAR SIR :

I, by my brother, send you the return of election for Governor and Lieutenant Governor, for the third time. I made out a statement to send you by our representative, Walker, with his credentials, and was obliged to go to Madison, and he picked up his, and left the rest behind; and for fear of mistake, I sent by a stranger and afterwards by mail. But to night, I saw an insulting letter directed to the people of this county, from Walker our representative, charging me with corruption. Please to accept this as my apology, and rest assured I always intend to do my duty, and if the mails were regular you would have found my return sure.

Accept, dear sir, the assurance of

your's.

JAMES STOTT.

GENERAL EVANS, Speaker of  
the House of Representatives.

On motion,

Adam Brenton has leave to withdraw his petition.

The Speaker laid before the House reports from the following trustees of the seminary funds in the following named counties, to wit:

Joseph Walker of Dearborn county, Thomas Coffin of Orange county, William Low of Mouroe county, John D. Stephenson of Hamilton county, L. Dunlap of Marion county, William B. Demick of Gibson county, Walter Wheatly of Clark county, John M. Dicky of Scott county, J. R. Nance of Floyd county. The report of John Law prosecuting attorney for the first judicial district, as to the state of the seminary fund in the counties of Orange, Daviess, Montgomery, Parke, Green and Martin, and the report of Amos Clark prosecuting attorney for the second judicial district, as to the state of the seminary fund in the county of Perry, and the report of Calvin Fletcher prosecuting attorney for the fifth ju-

dicial district, as to the state of the seminary fund in the counties of Rush and Allen; which were read and referred to the committee on education.

The House proceeded to consider the orders of the day.

The bill concerning the revenue, was read the second time and referred to the committee of ways and means.

The bill requiring the Secretary of State to procure a letter book for the use of the state. And the bill legalizing the marriage of William Wright of Floyd county, were read the second time, and ordered to be engrossed and read the third time on to-morrow.

The bill for the relief of the securities of the late sheriff of Crawford county. The bill to amend the act entitled "An act declaring certain streams therein named public highways, approved January 26 1824." And the bill for the the relief of John R. Montgomery, collector of Gibson county for the year 1823; were severally read the second time, and committed to a committee of the whole House to-morrow.

The engrossed bill legalizing the proceedings of the trustees of Congressional school township No. 13, range No. 13, in Fayette county, was read the third time and passed.

*Ordered*, That the same be entitled "An act," and that the clerk carry the same to the Senate for their concurrence.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Child, from the standing committee on roads, to whom was referred a petition on that subject, reported a bill to establish a state road from the eastern boundary of Wayne county, through said county, to intersect the state road leading through Richmond to Centreville; which was read the first time and passed to a second reading on to-morrow.

The House resumed the consideration of the orders of the day.

On motion of Mr. Howk,



The committee of the whole to whom was committed the bill to amend the act entitled "An act providing for the settlement of decedents' estates and for other purposes," approved January 26, 1824, were discharged from the further consideration of the same.

On motion of Mr. Sweetser,

Said bill was ordered to lie on the table.

The House resolved itself into a committee of the whole on the bill to extend the jurisdiction of justices of the peace to one hundred dollars in civil actions, and on the communication from David Kellough J. P.

Mr. Posey in the chair,

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Posey reported progress and asked leave to sit again.

Which leave was accordingly granted.

On motion of Mr. Howk,

The committee of the whole, to whom was committed the message of his excellency the Governor with the accompanying documents, was discharged from the further consideration thereof: And,

On motion of Mr. Howk,

*Resolved*, 1. That so much of the message of his excellency the Governor as relates to the navigation of the Wabash and Maumee rivers, and connecting the waters of said rivers by a canal, be referred to a select committee with leave to report thereon by bill or otherwise.

2. That so much of said message as relates to the opening a canal around the falls of the Ohio river at Jeffersonville, be referred to a select committee with leave to report thereon by bill or otherwise.

3. That so much of said message as relates to the construction of a canal from Lawrenceburgh, on the Ohio, to Fort Wayne, be referred to a select committee with leave to report thereon by bill or otherwise.

4. That so much of said message as relates to the navigation of the two White rivers, be referred to a select committee with leave to report thereon by bill or otherwise.

5. That so much of said message as relates to the

National Road, be referred to a select committee with leave to report thereon by memorial or otherwise.

6. That so much of said message as relates to the providing of one or more farms for an asylum for the poor and unfortunate, be referred to a select committee with leave to report thereon by bill or otherwise.

7. That so much of said message as relates to the encouragement of agriculture and manufactures, be referred to a select committee with leave to report thereon by bill or otherwise.

8. That so much of said message as relates to the establishment of a system of education, be referred to the standing committee on education with leave to report thereon by bill or otherwise.

9. That so much of said message as relates to the militia, be referred to the standing committee on military affairs with leave to report thereon by bill or otherwise.

10. That so much of said message as relates to the revenue of the state, be referred to the standing committee of ways and means with leave to report thereon by bill or otherwise.

11. That so much of said message as relates to resolutions from different states relative to the subject of slavery; also, resolutions relative to the proposition by the Georgia Legislature for an amendment of the constitution of the United States, together with those several resolutions, be referred to a select committee with leave to report, &c.

12. That so much of the Governor's message as relates to the certificate of the Governor's and Lieutenant Governor's election, be referred to the standing committee on elections with leave to report by bill or otherwise.

13. That so much of the Governor's message as relates to the seminary at Bloomington, be referred to the standing committee on education.

14. That so much of the message of his excellency the Governor as relates to the extinguishment of Indian title to land between the river Wabash and the Miami

of the lake be referred to a select committee with leave to report thereon by memorial or otherwise.

15. That so much of said message as relates to the agent of the state at this place, be referred to the standing committee on the affairs of Indianapolis.

The Speaker appointed

Messrs. Hawk, Moffatt, Boon, Blair and Robertson in pursuance of the first resolution.

Messrs. Marshall, Hawk, Lemon, Child and Burnett in pursuance of the second resolution.

Messrs. Pepper, Rose, Worth, Hannah and Guion in pursuance of the third resolution.

Messrs. Clendenin, Sims, Wallace, Sweetser and Claypool in pursuance of the fourth resolution.

Messrs. Palmer, Johnson, Paxton, Ketcham and Posey in pursuance of the fifth resolution.

Messrs. Beckes, Hillis, Gard, Reed and Lomax in pursuance of the sixth resolution.

Messrs. Stanford, Walker, Keen, Jackson and Williams in pursuance of the seventh resolution.

Messrs. Child, Hawk, Beckes, Richardson and Wallace in pursuance of the eleventh resolution.

Messrs. Hillis, Posey, Gray, Baird and Keen in pursuance of the fourteenth resolution.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill from this House entitled "An act to repeal an act entitled an act authorizing the administrators of John H. Piatt, deceased, to sell and convey certain lands therein mentioned," with several amendments: and they have passed a "Joint resolution of the General Assembly;" to which said amendments and joint resolution they desire the concurrence of this House.

On motion,

The House concurred generally in the amendments made by the Senate to said bill.

Said joint resolution was read the first time and passed to a second reading to-morrow.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DECEMBER 14, 1825.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication from the Governor.

EXECUTIVE DEPARTMENT, }  
DECEMBER 13th, 1825. }

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES,

SIR—In compliance with an intimation in my communication of the 8th instant, and in obedience to a resolution of the House of Representatives of yesterday, I enclose you the amount accompanied with the vouchers referring to the several items therein mentioned, of the whole expense attending the reception of General Lafayette, as presented to me by the committee of arrangement appointed for that occasion, and allowed by them. The aforementioned account underwent the scrutiny of the said committee, and I herewith submit the evidences upon which they acted, except as to items No 10, 13, 14, 17, 19 and 20 of the account, as to which no special accounts seem to have been exhibited to the committee, but which were allowed by the committee of arrangement upon evidences submitted to them; as will appear by the evidence and certificate of Col. John H. Farnham, one of the committee endorsed on said account.

As no part of this money has at any time come into my hands, I must rely upon the statement of the Treasurer of State for the correctness of the 21st item in the account.

I will remark, that as the resolution of the last session, authorizing the Executive and citizens to receive General Lafayette, and consider myself as only one amongst many in making the arrangement &c. and acted accordingly.

I have the honor to be, &c.

J. BROWN RAY.

Mr. Johnson presented a petition of Henry Brenton of Pike county one of the heirs of Henry Brenton deceased, praying certain relief therein named, which was read and referred to a select committee of Messrs. Johnson, Wallace and Fitzgerald.

Mr. Sweetser presented a petition of Gideon B. Hart, late collector of Bartholomew county, praying certain relief therein named; which was read and referred to a select committee of Messrs. Sweetser, Claypool and Daniel.

Mr. Ketcham presented a petition of John A. Givens and others, of Monroe county, praying an act incorporating them by the name of "The Blue Spring Associa-

tion," for the purpose of forming a social community to hold all property in common &c.; which was read and referred to a select committee of Messrs. Ketcham, Sims and Clendenin.

Mr. Paxton presented the petition of Aaron Beck and others, of Rush county, praying part of said county may be attached to Madison county; and also the petition of John Foster and others, of Madison county, praying an enlargement of the bounds of said county and certain other relief; which were read & referred to the same select committee to whom was referred the petition of Thomas M. Pendleton and others, of Madison county.

Mr. Jackson presented a petition of Henry Hardin, father and guardian of Harrison Hardin, praying authority to sell certain real estate of the infant, to be vested in other real estate for his benefit; which was read and referred to a select committee of Messrs. Jackson, Guion and Blair.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have adopted the following resolution, to wit:

*Resolved,* That a committee on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives, to examine the offices of the Auditor of Public Accounts and Treasurer of State, and report the result of said examination to their respective houses; that the House of Representatives be informed of this resolution and a similar one on their part requested, and that the Senate have appointed on their part, Messrs. Ewing and Graham of Jackson said committee.

Mr. Craig, after having obtained leave, presented a bill to improve the navigation of Laughery creek; which was read the first time and passed to a second reading to-morrow.

Mr. Clendenin submitted the following report, to wit:

*Mr. Speaker,*

The committee of ways and means to whom was referred the bill concerning the revenue, which provides

for laying a tax on an *ad valorem* system, have had the same under consideration, and report, that it is inexpedient to act on said bill at this time.

Which was read and concurred in by the House.

Mr. Posey submitted the following report to wit:

*Mr. Speaker,*

The select committee to whom was referred the petition of William Kendall, praying for certain relief therein named, have had the same under consideration, and are of opinion that the law authorizing the board of justices to levy a tax on their respective counties for the payment of any judgment that might or may have been rendered against such county or counties, has made ample provision; your committee would therefore beg leave to report unfavorable to the prayer of said petitioner. And,

On motion,

The House concurred in said report, and the said committee were discharged therefrom.

Mr. Lemon, from the select committee to whom was referred the petition of Joseph Warner, next friend of the heirs of Benjamin Warner, deceased, reported a bill for the relief of the heirs of Benjamin Warner, deceased; which was read the first time and passed to a second reading to-morrow.

Mr. Howk moved indefinitely to postpone the further consideration of the bill concerning the revenue; (which was to change the present mode of taxation to an *ad valorem* system,) and the ayes and noes being demanded thereon by two members,

*Those who voted in the affirmative are,*

Messrs. Burnett, Clendenin, Daniel, Fitzgerald, Hannah, Howk, Ketcham, Lewis of Wayne, Lomax, Marshall, Moffatt, Posey, Riley, Robertson, Stewart and Wallace—16.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Child, Claypool, Craig, Gard, Gray, Guion, Hillis, Jackson, Johnson, Keen, Lemon, Lewis of Franklin, Paddacks, Palmer, Pax-

ton, Pepper, Reed, Richardson, Rose, Sims, Stanford, Sweetser, Walker, Williams, Worth and Evans, speaker—29.

So said bill was not indefinitely postponed.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bill, entitled "An act to repeal an act authorizing the administrators of John H. Piatt, deceased, to sell and convey certain lands in this state," and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Mr. Child submitted the following report for the consideration of the House, to wit:

*Mr. Speaker,*

The select committee to whom was referred the petition of William Jones and others, praying the formation of a new county out of the county of Wabash, have had the same under consideration and beg leave to report, that in consequence of other petitions from the same section of country, conflicting with that upon which your committee were appointed to act, the prayer of the petitioner ought not to be granted.

Which was read and concurred in by the House.

On motion of Mr. Keen,

*Resolved,* That a committee be appointed on the part of this House, to act with the committee appointed on the part of the Senate, to examine the offices of the Auditor of Public Accounts and Treasurer of State, and report the result of such examination to their respective Houses, and that the Senate be informed thereof.

Whereupon,

Messrs. Keen and Posey were appointed said committee on the part of this House.

*Ordered,* That the clerk inform the Senate thereof.

On motion of Mr. Walker;

*Resolved,* That the rev. Mr. Bush, and all other regular preachers of the Gospel, be invited to preach in the Representative Hall on Sundays, and at all other times when the same is not in use, during the present session of the General Assembly.

Mr. Boon presented the following resolution, which was read and ordered to lie on the table, to wit:

*Resolved*, That the committee on military affairs be and they are hereby requested to enquire into the propriety of so amending the militia law as to make it the duty of the first serjeants of companies to be collectors of fines assessed in their respective companies.

Mr. Lewis, of Wayne, presented the following resolution for the consideration of the House, which was not adopted, to wit:

*Resolved*, That the committee on military affairs be requested to enquire into the expediency of so amending the militia law as to authorize the commissioned officers of their respective companies to hold courts of assessment of fines, and report their proceedings to the regimental court of appeals; and also, to authorize all persons who may conceive themselves aggrieved by the decision of said court of assessment to appeal to the court of appeals.

Mr. Wallace submitted the following report, to wit:

*Mr. Speaker,*

The committee on the unfinished business of last session ask leave further to report: that on a further examination they find the following bills, which were postponed until the first Monday in December, 1825, to wit:

1. A bill relative to fugitives from labour.
2. A bill supplemental to an act declaring certain streams therein named public highways.
3. A bill allowing a compensation to the commissioners heretofore appointed to locate a state road from Terre Haute, in Vigo county, to Fort Wayne, out of the treasuries of the several counties through which said road passes.
4. A bill to amend an act, entitled "An act authorizing the laying off certain state roads therein named."
5. A bill to amend an act entitled "An act for the incorporation of towns."
6. A bill providing for the survey and location of the route for a canal to connect the navigation of the Wabash river, and the Miami of Lake Erie.



7. An engrossed bill establishing certain state roads therein named.

8. An act defining the boundary line between the counties of Washington and Clark.

Mr. Speaker decided that bills &c. postponed by the last Legislature, to any day after its adjournment are not a part of the unfinished business of last session.

From which opinion three members appealed to the House.

And on the question being put, is the decision of the chair correct? The same was carried in the affirmative.

Mr. Howk submitted the following report for the consideration of the House, to wit:

*Mr. Speaker,*

The committee to whom was referred the charges of Obadiah Turpin against Isaiah Cooper, J. P. of Owen county, have had the same under consideration, and do consider the charges if substantiated, sufficient to warrant an impeachment; but as your committee are not vested with power to procure testimony to verify these charges, they deem it improper to report articles of impeachment; and pray to be discharged.

Mr. Palmer moved that said report lie on the table, which was decided in the negative.

Mr. Howk then moved to discharge said committee from the further consideration of said charges, which was also decided in the negative.

On motion of Mr. Pepper,

The resolution presented on yesterday by Mr. Fitzgerald relative to reducing militia fines, the compensation allowed to judge advocates and the number of musters; and the amendment proposed by Mr. Sweetser, to exempt persons conscientiously scrupulous of bearing arms only in time of war, was taken up.

On the question being put, will the House concur in said amendment? The same was decided in the negative.

Mr. Child then moved to amend said resolution by striking out that part which proposes to reduce militia fines; which amendment was adopted.

Mr. Lemon moved to strike out that part which pro-

poses to reduce the pay of judge advocates; which was decided in the negative.

Mr. Sweetser then moved further to amend said resolution, so as to give the rank of major to judge advocates; which was decided in the negative.

Mr. Hawk then moved to postpone the further consideration of said resolution, as amended, indefinitely.

And the ayes and noes being demanded by two members,

*Those who voted in the affirmative are,*

Messrs, Burnett, Clendenin, Craig, Claypool, Daniel, Gray, Guion, Hillis, Hawk, Jackson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Marshall, Paddacks, Paxton, Pepper, Reed, Riley, Robertson, Rose, Sims, Stanford, Walker and Evans, speaker—27.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Child, Fitzgerald, Gard, Hannah, Johnson, Lomax, Moffatt, Palmer, Posey, Richardson, Stewart, Sweetser, Wallace, Williams and Worth—18.

So said resolution as amended was indefinitely postponed.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

Mr. Paxton presented a report of Alexander Ralston commissioner appointed by an act of the last General Assembly, relative to the navigation of the eastern and western branches of White river; which was read and referred to the same committee to whom was referred that part of the Governor's message which relates to the navigation of the White rivers.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they did on this day present to his Excellency the Governor for his approval and signature, "An act to repeal an act authorizing the adminis-

trators of John H. Piatt, deceased, to sell and convey the real estate of the deceased in this state."

Mr. Palmer offered for the consideration of the House the following resolution, which was not adopted, to wit:

*Resolved*, That the committee to whom was referred charges preferred against Isaiah Cooper, a justice of the peace in and for the county of Owen, be empowered to send for such persons and papers as they may think necessary, to give them evidence relative to the charges aforesaid; and also, power to administer oaths to the witnesses relative to the charges aforesaid.

Mr. Posey, after having leave granted, reported a bill giving certain powers to the administrators of Eliza Stewart, deceased; which was read the first time and passed to a second reading to-morrow.

The bill to establish a state road from the eastern boundary of Wayne county through said county to intersect the state road leading through Richmond and Centreville; the bill authorizing the surviving administratrix of Harvey Heth, deceased, to sell and convey real estate; and the bill for the relief of Alexander Dick, were severally read the second time and committed to a committee of the whole House to morrow.

The House proceeded to consider the orders of the day:

The bill to amend an act, entitled "An act concerning county boundaries, was read the second time and committed to a committee of the whole House on Monday next.

The joint resolution of the General Assembly, from the Senate, was read the second time and ordered to be read the third time to-morrow.

The engrossed bill legalizing the marriage of William Wright, of Floyd county; and the engrossed bill requiring the Secretary of State to procure a letter book for the use of this state; were severally read the third time and passed.

*Ordered*, That the same be entitled "Acts," and that the Senate be informed thereof and their concurrence requested.

Mr. Child moved to discharge the committee of the whole to whom was committed the bill extending the

jurisdiction of justices of the peace to \$100 in civil actions, and the communication from David Kellough J. P., from the further consideration of the same; which was decided in the negative.

The House resolved itself into a committee of the whole on said bill and communication,

Mr. Posey in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Posey reported said bill with several amendments, which were read and concurred in by the House generally.

Mr. Sweetser then moved further to amend said bill by adopting the following, as an additional section, to wit:

“That in all cases determined by the circuit courts, which originated before a justice of the peace, no attorney’s docket fee shall be hereafter paid or taxed in the costs against either party.”

The ayes and noes being called for by two members on the adoption of said amendments, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Child, Clendenin, Craig, Daniel, Fitzgerald, Gray, Hillis, Howk, Jackson, Johnson, Keen, Lemon, Marshall, Moffatt, Paddacks, Palmer, Sims, Stewart, Sweetser, Wallace, Williams and Worth—25

*And those who voted in the negative are,*

Messrs. Burnett, Claypool, Gard, Guion, Hannah, Ketcham, Lewis of Franklin, Lewis of Wayne, Paxton, Pepper, Posey, Reed, Riley, Robertson, Rose, Stanford, Walker and Evans, speaker.—19.

So said amendment was adopted.

Mr. Child then moved further to amend said bill by striking it out from its enacting clause; and the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Burnett, Child, Daniel, Hannah, Howk, Moffatt and Evans, speaker—9.

*And those who voted in the negative are,*

Messrs Boon, Claypool, Clendenin, Craig, Fitzgerald, Gard, Gray, Hillis, Jackson, Johnson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams and Worth—35.

So said bill was not so amended.

*Ordered,* That said bill be engrossed and read the third time to-morrow.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, DECEMBER 15th, 1825.

The House met pursuant to adjournment.

Mr. Fitzgerald presented a petition of Phillip Bristo, of Gibson county, praying certain relief therein named, which was read and referred to a select committee of Messrs. Fitzgerald, Johnson and Wallace.

Mr. Rose presented a petition of H. C. Hammond and others of Union and Franklin counties, praying the east fork of Whitewater river may be declared a public highway, which was read and referred to a select committee of Messrs. Rose, Claypool and Reed.

Mr. Rose also presented a petition of William Sangston and others of Union county, praying an appropriation of the sum of \$800 dollars out of the three per cent fund to build a bridge over the east fork of Whitewater river at Brownsville; which was read and referred to the same committee to whom was referred the petition of H. C. Hammond and others.

Mr. Sweetser from the select committee to whom was referred the petition of Gideon B. Hart, late collector of Bartholomew county, reported a bill for his relief,

which was read the first time, and passed to a second reading to morrow.

Mr. Johnson, submitted the following report, to wit:

*Mr. Speaker,*

The committee to whom was referred the petition of Henry Brenton, praying for an Act to authorize the sale of certain real estate belonging to the heirs of Henry Brenton, deceased, report—that they have had the same under consideration, and that they deem it unnecessary to grant the prayer of the petitioner; the laws now in force having made ample provision in such cases.

Which was read and concurred in by the House.

Mr. Worth presented the petition of sundry citizens of Randolph county, praying authority to lease a certain school section in said county for a longer term of time than the law at present authorizes, for the purpose of building a mill thereon; which was read and referred to the committee on education.

Mr. Reed presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the Auditor of public accounts report to this House the number of polls, and the number of acres of first, second and third rate land returned for taxation for the year 1825, for each county, with the amount of taxes upon the same.

On motion of Mr. Palmer,

Said resolution was amended by striking out the words "number of polls."

The same was then read as amended and adopted.

Mr. Richardson presented the following resolution, which was not adopted, to wit:

*Resolved*, That the committee of unfinished business be instructed to prepare and bring forward all the bills and resolutions which were postponed until the first Monday of December, 1825, by the House of Representatives at their last session.

On motion of Mr. Wallace,

The committee on the unfinished business of last session were discharged from the further consideration of said subject.

Mr. Child presented the following resolution for the consideration of the House, to wit:

*Resolved*, By the House of Representatives, that they will, on Monday next, at 3 o'clock P. M. proceed to elect a Treasurer and Auditor of state; that the Senate be informed thereof and a similar resolution on their part requested, and that seats will be provided for them on the right of the Speaker's chair.

Mr. Hannah moved to amend the same by striking out "Monday, 3 o'clock P. M." and insert "on Saturday next, at 11 o'clock A. M." And,

On motion of Mr. Beckes,

Said resolution and amendment were ordered to lie on the table.

Mr. Sweetser presented the following report, to wit:

*Mr. Speaker,*

The committee of free conference appointed by the two houses on the subject of the disagreement of the Senate to the amendment proposed by the House of Representatives, to the amendment made by the Senate, to the bill providing for contesting the election of Governor and Lieutenant Governor, have agreed to report, that they have been unable to compromise the matter submitted to them.

Which being read, was ordered to lie on the table.

A message from the Governor by William W. Wick, his private secretary:

*Mr. Speaker,*

I am directed by the Governor to inform this House that he did on this day approve and sign.

"An act to repeal an act entitled 'An act authorizing the administrators of John H. Platt, deceased, to sell certain lands therein mentioned:'"

Which originated in the House of Representatives.

Mr. Williams presented for the consideration of the House, the following resolution, to wit:

*Resolved*, That the committee of ways and means be requested to enquire into the propriety of changing the mode of assessing and collecting the revenue, so that listers and collectors shall advertise and meet the peo-

ple in their different townships or districts, on certain days for that purpose.

Said resolution was read and rejected by the House.

Mr. Pepper presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the judiciary committee be instructed to report a bill requiring the judges of the supreme court, the president judges of the several circuits, and the prosecuting attorneys in the several judicial districts, to report to the House of Representatives at the commencement of each session any discrepancies or unconstitutional provision which in the discharge of their several duties they may discover in our statutes, and in said report propose such remedies as to them may seem proper.

Mr. Hawk moved to lay said resolution on the table, which was decided in the negative.

Mr. Beckes moved to amend said resolution by striking out the word "instructed" and insert "requested," which was adopted.

Mr. Sweetser moved further to amend said resolution by striking it out from the word "resolved," and inserting the following, to wit:

"By the General Assembly of the state of Indiana, that the Judges of the supreme court, the President Judges of the circuit courts, and circuit Prosecutors, be requested to lay before the General Assembly, at the commencement of each session, any discrepancies or unconstitutional provisions in the laws, which, in the discharge of their several duties they may discover, and can consistently with their official duties communicate;" which was not adopted.

Mr. Craig then moved farther to amend said resolution by inserting after the words "Prosecuting Attorneys in the several judicial districts," the words "Justices of the Peace;" which was also negatived.

Mr. Pepper moved farther to amend said resolution by inserting after the word "statutes," the words "which they may deem consistent with their official duties;" which was also negatived.

Mr. Hillis moved farther to amend said resolution by



striking out "President Judges and Prosecuting Attorneys;" which was carried in the affirmative. And,

On motion of Mr. Gray,

The said resolution was indefinitely postponed.

A message from the Senate by Mr. Farnham, their assistant secretary,

*Mr. Speaker,*

The committee of free conference appointed by the Senate to take into consideration the subject matter of difference between the two houses, relative to the engrossed bill providing for contesting the election of Governor and Lieutenant Governor, have been discharged from the further consideration of that subject.

The Speaker laid before the House further charges and specifications against Isaiah Cooper, justice of the peace of Owen county, verified by affidavit; which was read and referred to the same committee to whom was referred the first charges and specifications against said Cooper.

On motion of Mr. Burnett,

*Resolved,* That the judiciary committee be instructed to report a bill to amend the act, entitled "An act for the relief of occupying claimants," so as to provide that the assessment of the value of lasting and valuable improvements made by the occupying claimant, and the value of the land in its state of nature, be made by a jury.

The Speaker laid before the House the following report of B. J. Blythe, Agent of the state for the town of Indianapolis, to wit:

AGENT'S OFFICE, }  
Dec. 13, 1825. }

THE HON. THE SPEAKER HOUSE REPRESENTATIVES,

SIR—I herewith transmit a schedule of all the lots sold in the town of Indianapolis from October 1821 to May 1825, with the gross amount of sales; also a statement of all monies received on account of sales of lots, rent and timber.

I am respectfully yours, &c.

B. J. BLYTHE,  
AGENT FOR INDIANAPOLIS.

|                             |   |   |             |
|-----------------------------|---|---|-------------|
| 314 lots sold Oct. 1821 for | - | - | \$35,595 75 |
| 17 " May, 1825              | - | - | 3,328 25    |

|                    |   |   |   |          |
|--------------------|---|---|---|----------|
| 20 out lots " 1825 | - | - | - | 1,469 60 |
| 20 " Jan. 1825     | - | - | - | 1,955 60 |
| 3 brickyards,      | - | - | - | 344 00   |

\$42,693 20

Of the lots sold in Oct. 1821, 107 have been paid out, amounting to

\$11,866 69

6 on which four payments have been made 683 41 3-4

9 on which three payments have been made 623 68

23 on which two payments have been made 1,331 08

169 on which one payment has been made 3,727 60

Of the 17 lots sold in May, 1825, on 1 two payments have been made, 30 00

On 16, one payment has been made, 650 65

\$18,913 11 3-4

Of the out lots sold in Jan'y. and May, 1825,

6 have been paid out, making \$418 15

2 on which two payments have been made, 59 71

32 on which one payment has been made, 556 63

1 Brick-yard paid out 81 00

2 do. on which one payment has been made, 52 60

Whole amount paid on lots, \$20,081 20 3-4

Amount paid on rent account, 234 47 1-2

Amount paid on timber account, 27 56 1-4

Whole amount as per books of this office, \$20,343 24 1-2

Respectfully submitted,

B. J. BLYTHE,

AGENT OF STATE FOR INDIANAPOLIS.

Which was read and referred to the standing committee on the affairs of Indianapolis.

The Speaker laid before the House a communication from John Law, prosecuting attorney in the first judicial district, relative to the Seminary fund in Vigo county; and also the report of David Hager, trustee of the seminary fund of Bartholomew county; and also the report of Calvin Fletcher, prosecuting attorney in the fifth circuit, relative to the seminary fund in Shelby county; which were read and referred to the committee on education.

On motion,

Mr. Sims was added to the committee to whom was referred the charges and specifications against Isaiah Cooper, J. P.

On motion of Mr. Palmer,

Mr. Paxton was added to the committee to whom was referred that part of the Governor's message which relates to the navigation of the White rivers.

The House proceeded to consider the orders of the day.

The bill for the relief of the heirs of Benjamin Warner, deceased; the bill giving certain powers to the administrators of the estate of Eliza Stewart, deceased; and the bill to improve the navigation of Laughery creek; were severally read the second time and committed to a committee of the whole House to-morrow.

The joint resolution of the General Assembly, from the Senate, was read the third time and passed.

*Ordered*, That the clerk inform the Senate.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

The engrossed bill extending the jurisdiction of justices of the peace to \$100 in civil actions, was read the third time: And on the question being put, shall said bill pass? it was decided in the affirmative; and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Boon, Claypool, Clendenin, Craig, Fitzgerald, Gard, Guion, Hillis, Jackson, Johnson, Keen, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Richardson, Riley, Robertson, Rose, Sims, Stauford, Stewart, Sweetser, Walker, Wallace, Williams and Worth.—34.

*And those who voted in the negative are,*

Messrs. Beckes, Burnett, Child, Daniel, Hannah,

Howk, Lemon, Moffatt and Evans, speaker—9.

So said bill passed.

*Ordered*, that the same be entitled “An act,” and that the clerk carry the same to the Senate and ask their concurrence.

The House resolved itself into a committee of the whole on the bill to change the present mode of doing county business, and the several petitions on that subject,

Mr. Burnett in the chair,

And after some time spent therein the Speaker resumed the chair, and Mr. Burnett reported said bill with one amendment, which was by striking it out from the enacting clause.

Which was concurred in by the House.

Mr. Palmer then moved further to amend said bill by adding the following as sections 1, 2, 3 and 4:

Sec 1. *Be it enacted by the General Assembly of the state of Indiana*. That the boards of justices established by the act to which this is an amendment shall, from and after the first Monday of May next, consist of one justice from each township of the proper county, in the manner hereinafter prescribed.

Sec. 2. That it shall be the duty of all the justices in the several counties of this state, to meet at the place of holding courts of their proper county on the first Monday of May next, and there proceed by townships to determine on the justice who shall attend as a member of the board of justices from each township in the proper county for one year from such meeting; which determination shall be made by the clerk to said board of justices, in the presence of said board, by putting into a box as many tickets as there may be magistrates in the township to be determined, numbering said tickets in regular numerical order; and the justices of the proper township shall each proceed to draw from said box (if present, if not, the clerk shall draw for such as may be absent,) and the magistrate drawing number one shall be the justice whose duty it shall be to attend the board of justices from his township for the first year; and the justice drawing number two for the second year, and so

on until each has served his year. *Provided*, That in case of the death, resignation, or removal from office, of any such justice, the next highest in number shall serve in his stead.

Sec. 3. That when it shall appear that the several justices of any township have each served his year in manner aforesaid, it shall be the duty of said clerk, in the presence of the board of justices of the proper county at their May session aforesaid, to proceed to determine on the justices who shall attend the county board of justices from such township, agreeably to the provisions of the second section of this act.

Sec. 4. That a majority of said justices selected in manner aforesaid, shall form a quorum, shall have all the authority, and shall be governed in all respects as prescribed by the act to which this is an amendment.

Mr. Hillis moved to amend the amendment by adding the following proviso at the end of the fourth section, to wit:

*“Provided, That nothing herein contained shall be so construed as to prevent any justice of the peace of their proper county from taking his seat in said board if he wishes so to do.*

Mr. Beckes then moved to postpone the further consideration of said bill and amendments indefinitely, which was carried in the affirmative; and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Boon, Burnett, Clendenin, Daniel, Fitzgerald, Gray, Hillis, Howk, Johnson, Ketcham, Lemon, Lewis of Wayne, Marshall, Moffatt, Padacks, Posey, Riley, Robertson, Sims, Stewart, Sweetser, Williams, Worth and Evans, speaker—26.

*And those who voted in the negative are,*

Messrs. Child, Claypool, Craig, Gard, Guion, Hannah, Jackson, Keen, Lewis of Franklin, Lomax, Palmer, Paxton, Pepper, Reed, Richardson, Rose, Stanford, Walker and Wallace—19.

So said bill and amendments were indefinitely postponed.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, DECEMBER 16th, 1825.

The House met pursuant to adjournment.

Mr. Jackson presented a petition of George H. Dunn, and others of Dearborn county, praying further power may be given to the commissioners on the state road leading from Lawrenceburgh to Indianapolis; which was read and referred to a select committee of Messrs. Jackson, Guion and Pepper.

On motion,

Mr. Marshall has leave of absence from this House.

Mr. Palmer submitted the following report for the consideration of the House, to wit:

*Mr. Speaker,*

The committee of elections, to whom was referred the certified return of Samuel Lewis, as the member elect from the county of Franklin, to fill the vacancy of Noah Noble, resigned, have had the same under consideration and now report, that at an election held in the several townships in said county of Franklin, on the first Tuesday in December inst., Samuel Lewis was duly elected a representative from said county, in the place of Noah Noble Esq: resigned, all of which is respectfully submitted.

Mr. Sweetser then moved that said report lie on the table; and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Child, Claypool, Gard, Gray, Howk, Johnson, Keen, Lomax, Lewis of Wayne, Moffatt, Paddacks, Pepper, Posey, Richardson, Robert-

son, Rose, Sims, Stewart, Sweetser, Wallace, Williams and Worth—24

*And those who voted in the negative are,*

Messrs. Baird, Burnett, Clendenin, Craig, Daniel, Fitzgerald, Guion, Hannah, Hillis, Jackson, Ketcham, Lemon, Palmer, Paxton, Reed, Riley, Stanford, Walker and Evans, speaker—19.

So said report was ordered to lie on the table.

Mr. Speaker added Messrs. Keen, Howk, Child and Clendenin, to the standing committee on the affairs of Indianapolis.

Mr. Howk from the select committee to whom was recommitted the bill to amend the act entitled "An act prescribing the mode of changing the venue," reported said bill with an amendment, which was read and adopted by the House.

Said bill was then committed to a committee of the whole House to-morrow.

Mr. Pepper from the select committee to whom was referred the petition of Annanah Rollins and John Dixon, reported a bill for the relief of revolutionary soldiers, which was read the first time and passed to a second reading to-morrow.

Mr. Child submitted the following report for the consideration of the House, to wit:

*Mr. Speaker,*

The Standing committee on roads, to whom was referred the petition of sundry citizens of Lawrence county, praying for the re-location of the state road lying between Jacob Halfacre's and the line of Monroe county, have had the same under their consideration and report, that in their opinion the laws already in force on the subject of state roads, are amply sufficient to enable persons wishing thereon to accomplish the same by an application to the circuit courts, and therefore the prayer of said petitioners ought not to be granted.

Which was read and concurred in by the House.

Mr. Fitzgerald from the select committee to whom was referred the petition of Phillip Bristo, reported a bill for his relief; which was read the first time and passed to a second reading to-morrow.

Mr. Posey from the committee to whom was referred the petition of James and Eliza Kirkpatrick, reported a bill authorizing the sale of a house and lot belonging to the heirs of Moses Kirkpatrick, deceased; which was read the first time and passed to a second reading to-morrow.

Mr. Hillis from the select committee to whom was re-committed the bill to amend the act entitled "An act organizing the supreme court and defining its powers and duties," reported the same with an amendment; which was read and adopted by the House.

Said bill was then committed to a committee of the whole House on Monday next.

On motion of Mr. Gard,

The committee of free conference appointed on the part of this House to act with a similar committee appointed on the part of the Senate, relative to the subject matter of difference between the two houses, on the bill providing for contesting the election Governor and Lieutenant Governor, were discharged from the further consideration of said subject.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Palmer from the committee to whom was referred that part of the Governor's message which relates to the National Road, reported a joint resolution relative to the National Road from Wheeling to the Mississippi; which was read the first time and passed to a second reading to-morrow.

A message from the Senate by Mr. Farnham their assistant secretary:

*Mr. Speaker,*

The Senate have passed, 1st. A bill from this House entitled "An act for the relief of Benjamin F. Barker and Henry Waggoner, with four amendments; and, 2d. An engrossed bill from this House, entitled "An act to amend the act to establish seats of justice in new counties," approved January 14th, 1824, with one amendment; to which amendments to said bills they desire the concurrence of this House. And they have passed a joint resolution of the General Assembly relative to the three per cent. fund: and they have also pas-



sed an act for the benefit of William Reed; to which joint resolution and act they ask the concurrence of this House.

On motion,

The House disagree to the first amendment made by the Senate to the bill for the relief of B. F. Barker and Henry Waggoner, and concur in the other three amendments to said bill. And,

On motion,

The House concurred in the amendment made by the Senate to the second named bill.

*Ordered*, That the clerk inform the Senate.

The said joint resolution of the General Assembly relative to the three per cent fund, and the bill for the relief of William Reed, were severally read the first time and passed to a second reading to-morrow.

On motion of Mr. Beckes,

*Resolved*, That the committee on the judiciary be instructed to report a bill or other provision to this House, requiring the proper authority in the appointment of guardians to minor heirs, to appoint some suitable and disinterested person other than the administrator, administrators, or administratrix, executor, executors, or executrix of such estate.

Mr. Gray, after having obtained leave, presented a bill providing for removing the obstructions in the river Patoka; which was read the first time and passed to a second reading to-morrow.

Mr. Stanford, after having obtained leave presented a bill to amend the act entitled "an act regulatiag crimes and punishments;" which was read the first time and passed to a second reading to-morrow.

The House proceeded to consider the orders of the day.

The bill for the relief of Gideon B. Hart late collector of Bartholomew county, was read the second time and ordered to be engrossed, and read the third time to-morrow.

On motion,

The committee of the whole to whom was committed the bill to amend the act entitled "an act appointing

commissioners to re-locate the seat of justice of Lawrence county; were discharged from the further consideration thereof. And

On motion of Mr. Williams,

The further consideration of said bill was postponed until the first Monday in January next.

Mr. Sweetser moved that the committee of the whole, to whom was committed the bill for the formation of a new county out the counties of Montgomery and Wabash, be discharged from the further consideration of the same; which was decided in the negative.

The House then resolved itself into a committee of the whole on said bill,

Mr. Beckes in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Beckes reported said bill with one amendment, which was read and concurred in by the House.

Mr. Howk, then moved that said bill lie on the table; which was decided in the negative.

*Ordered*, That said bill be engrossed and read the third time to morrow.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The Senate insist on the first amendment made by them to the engrossed bill from the House of Representatives, entitled "An act for the relief of Benjamin J. Barker and Henry Waggoner." They have passed an engrossed bill from the House of Representatives entitled "an act legalizing the proceedings of the school trustees of congressional township No 13, in range No. 13, in Fayette county," without amendment. And they have adopted the following order:

*Ordered*. That the joint committee appointed to examine the offices of the Auditor of Public Accounts and Treasurer of State, have leave to sit during the session of the two houses; that the House of Representatives be informed thereof and a similar order on their part requested.

Mr. Howk, moved that this House insist on their

disagreement to the amendment made by the Senate, to the bill for the relief of Benjamin F. Barker and Henry Waggoner; which was carried in the affirmative.

*Ordered*, That the clerk inform the Senate thereof.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed joint resolution, entitled "A joint resolution of the General Assembly," and find the same truly enrolled;

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

The House resolved itself into a committee of the whole on the bill for the relief of the securities of the late sheriff of Crawford county,

Mr. Claypool in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Claypool reported said bill with one amendment, which was read and concurred in by the House.

*Ordered*, That said bill be engrossed and read the third time on Monday next.

Mr. Beckes presented to the House a certificate of his election, which was read and referred to the committee of elections.

The House resolved itself into a committee of the whole on the joint resolution on the subject of obtaining further relief to purchasers of public lands,

Mr. Craig in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Craig reported the same without amendment.

*Ordered*, That the same be engrossed and read the third time to-morrow.

The House resolved itself into a committee of the

whole on the bill for the relief of John R. Montgomery, collector of Gibson county, for the year 1823,

Mr. Boon in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Boon reported said bill without amendment.

Mr. Howk moved to re-commit said bill to the committee of ways and means, with instructions to make an appropriation for Mr. Montgomery; which was decided in the negative.

*Ordered*, That said bill be engrossed and read the third time to-morrow.

The House resolved itself into a committee of the whole, on the bill authorizing the surviving administratrix of the estate of Harvey Heth, deceased, to sell and convey real estate,

Mr. Daniel in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Daniel reported said bill with one amendment, which was by striking it out from its enacting clause; which was concurred in by the House.

And on motion,

The further consideration thereof was indefinitely postponed.

On motion,

The House dispensed with the further consideration of the orders of the day.

The Speaker laid before the House a communication from Samuel Merrill and William H. Lilly, charging Nathaniel W. Marks, collector of Rush county, with having forged a certificate of the clerk of said county, with intent to defraud the state of revenue; which was read and referred to the same select committee to whom was referred the charges and specifications against Isaiah Cooper J. P. of Owen county.

On motion of Mr. Claypool,

*Resolved*, That the committee appointed on the part of this House, relative to the examination of the offices of the Auditor and Treasurer of State, be permitted to make that examination during the session hours of this House, and that the Senate be informed thereof.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill entitled "An act for the formation of the county of Tippecanoe," in which they desire the concurrence of this House.

Said bill was read the first time and passed to a second reading to-morrow.

The House resumed the consideration of the orders of the day

The House resolved itself into a committee of the whole on the bill for the relief of Alexander Dick,

Mr. Fitzgerald in the chair.

After some time spent therein the Speaker resumed the chair, and Mr. Fitzgerald reported said bill without amendment.

*Ordered.* That the same be engrossed and read the third time to-morrow.

The House resolved itself into a committee of the whole on the bill to establish a state road from the eastern boundary of Wayne county, through said county to intersect the state road leading through Richmond and Centreville,

Mr. Gray in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Gray reported said bill with one amendment, which was by striking it out from its enacting clause; which was concurred in by the House.

And on motion,

The further consideration of said bill was indefinitely postponed.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

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SATURDAY MORNING, DECEMBER 17th, 1825.

The House met pursuant to adjournment.

Mr. Riley presented a memorial of Absalom Field and others, and of Stephen Dilly and others, of Lawrence county, praying part of said county may be attached to the county of Orange; which was read and referred to a select committee of Messrs. Riley, Clendenin and Williams.

Mr. Beckes presented a petition of Jacob Kirkendall and others, of Knox county, praying the repeal of an act of the last General Assembly relative to the Seminary in Knox county; which was read and referred to a select committee of Messrs. Beckes, Moffatt and Johnson.

On motion,

Messrs. Lewis of Franklin, Sweetser, Pepper, Hawk, Posey, Child and Hillis were added to that committee.

Mr. Hillis presented a remonstrance of H. Lasselie and others, of Vincennes, and several other documents, on the subject of the petition of Jacob Kirkendall; which were read and referred to the last mentioned committee.

Mr. Paxton presented a petition of John Denney and others, of Madison county, praying articles of impeachment may be preferred against Moses Cox, clerk of said county, for sundry acts of corruption, negligence, and mismanagement in office; which was read and referred to the same committee to whom was referred the charges and specifications against Isaiah Cooper J. P. of Owen county.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill from this House, entitled "An act legalizing the marriage of William Wright, of Floyd county, without amendment; and they have passed an engrossed bill, entitled "An act for the relief of William Youse;" in which they desire the concurrence of this House.

Said bill was read the first time, rule dispensed with, read the second time and committed to a committee of the whole House on Monday next.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they have compared the enrolled

with the engrossed bills, entitled *An act to amend the act entitled an act to establish seats of justice in new counties, approved January 14th, 1824; and An act legalizing the proceedings of the school trustees of congressional township No. 13, in range No. 13, in Fayette county;*" and find the same truly enrolled.

Whereupon,

The speaker signed the same.

*Ordered,* That the clerk carry the same to the Senate for the signature of their President.

Mr. Posey presented a petition of Jane Martin, of Harrison county, praying to be divorced from her husband, John Martin; which was read and referred to a select committee of Messrs. Posey, Stewart, Paddacks and Wallace.

On motion,

Mr. Lewis of Franklin, was added to the committee on education.

Mr. Palmer submitted the following report to the consideration of the House, to wit:

*Mr. Speaker,*

The committee of elections, to whom was referred the certificate of the election of Benjamin V. Beckes, as representative from the county of Knox, have had the same under their consideration, and report, that Benjamin V. Beckes was, at an election held on the first Monday of August 1825, duly elected a representative from the county of Knox; which is in confirmation of the report this committee had the honor to make to this House on the inst. All of which is respectfully submitted.

Which being read was concurred in by the House *nem. con.*

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have adopted the following resolution, to wit:

*Resolved,* That a committee of free conference be appointed to act with a similar committee on the part of the House of Representatives, on the subject matter of difference between the two houses, on the amendments

proposed by the Senate and disagreed to by the House of Representatives, to the bill for the relief of Benjamin F. Barker and Henry Waggoner; and that Messrs. Montgomery and Grass are appointed that committee on the part of the Senate.

Mr. Palmer, from the select committee to whom was referred that part of the Governor's message which relates to the return of votes for Governor and Lieutenant Governor, reported a bill to provide for a more certain return of the votes for Governor and Lieutenant Governor, which was read the first time and passed to a second reading on Monday next.

On motion of Mr. Palmer,

The committee of elections were discharged from the further consideration of that subject.

On motion of Mr. Richardson,

*Resolved*, That a committee of free conference be appointed on the part of this House to act with a similar committee which has been appointed on the part of the Senate, to take into consideration the subject matter of difference between the two houses, relative to the bill which originated in this House, entitled "An act for the relief of Benjamin F. Barker and Henry Waggoner.

Whereupon,

Messrs. Richardson and Fitzgerald were appointed said committee on the part of this House.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Beckes moved to reconsider the vote of yesterday indefinitely postponing the bill authorizing the surviving administrators of Harvey Heth, deceased, to sell and convey real estate; which was carried in the affirmative.

On the question being put, Shall said bill be indefinitely postponed? it was decided in the negative.

The House then re-considered the vote concurring in the amendment made to said bill in committee of the whole: And,

On motion of Mr. Beckes,

The House disagreed to said amendment.

Mr. Beckes moved to amend said bill by adding the following proviso, to wit:



*Provided however,* That previous to exercising any of the powers vested in said administratrix by the provisions of this act, she shall give additional security in the sum of four thousand dollars, to be approved of by the associate judges of Harrison county; which bond shall be filed in the clerk's office.

Which was read and adopted by the House.

*Ordered,* That said bill be engrossed as amended and read the third time on Tuesday next.

On motion of Mr. Williams,

*Ordered,* That S. F. Irwin and others, have leave to withdraw their petition.

Mr. Palmer moved that this House adhere to their amendment made to the amendment of the Senate, to the bill from this House, providing for contesting the election of Governor and Lieutenant Governor; which was decided in the negative.

On motion of Mr. Howk,

*Resolved,* That a second committee of free conference be appointed on the part of this House, to act with a similar committee to be appointed on the part of the Senate, relative to the subject matter of difference between the two Houses on the bill providing for contesting the election of Governor and Lieutenant Governor.

Whereupon,

Messrs. Child and Pepper were appointed said committee on the part of this House.

*Ordered,* That the clerk inform the Senate thereof.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Child,

The communications from the executives of several states, relative to the amendment proposed by the state of Georgia to the constitution of the United States, were taken up and referred to the select committee on that subject.

The Speaker laid before the House certain charges and specifications of Henry Dougherty, against Adlai

Campbell, justice of the peace of Orange county, praying that articles of impeachment may be preferred against said Campbell; which was read and referred to the same committee to whom was referred the charges and specifications against Isaiah Cooper, justice of the peace of Owen county.

The House proceeded to consider the orders of the day.

The engrossed bill from the Senate, entitled "An act for the formation of the county of Tippecanoe; the bill for the relief of revolutionary soldiers. and the bill authorizing the sale of a house and lot belonging to the estate of Moses Kirkpatrick, deceased; were severally read the second time and committed to a committee of the whole House on Monday next.

The bill for the relief of Philip Brisco, was read the second time and ordered to be engrossed and read the third time on Tuesday next.

The joint resolution relative to the National Road from Wheeling to the Mississippi; the bill from the Senate; for the relief of William Reed; and the bill providing for removing the obstructions in the river Patoka, were severally read the second time and committed to a committee of the whole House on Tuesday next.

The joint resolution of the General Assembly, from the Senate, relative to the three per cent. fund, was read the second time, and,

On motion of Mr. Howk,

Referred to a select committee of Messrs. Howk, Child and Lewis of Franklin.

The bill to amend the act entitled "An act regulating crimes and punishments. was read the second time, and;

On motion of Mr. Beckes,

The further consideration thereof, was indefinitely postponed.

Mr. Burnett from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bill, entitled "An act legalizing the marriage of William Wright of Floyd county, and find the same truly enrolled;

Whereupon,

The Speaker signed the same.

*Ordered.* That the clerk carry the same to the Senate for the signature of their President.

The House resolved itself into a committee of the whole House on the bill to amend the act, entitled An act declaring certain streams therein named public highways, approved January 26th, 1824,

Mr. Guion in the chair,

After some time spent therein the speaker resumed the chair, and Mr. Guion reported said bill with several amendments.

Which were read and concurred in by the House.

*Ordered.* That said bill be engrossed, and read the third time on Monday next.

Mr. Richardson, from the joint committee for enrolled bills, reported: That they did on this day present to his excellency the Governor, for his approval and signature, the following enrolled bills, to wit: An act to amend the act, entitled an act to establish seats of justice in new counties, approved January 14th, 1824; and an act legalizing the proceedings of school trustees of Congressional township No. 13, Range No. 13, in Fayette county; and a joint resolution of the General Assembly.

Whereupon,

The House adjourned until Monday morning, 9 o'clock.

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#### MONDAY MORNING, DECEMBER 19th, 1825.

The House met pursuant to adjournment.

Mr. Hannah presented a petition of S. M. Sherman; and others of Wayne county, praying authority to dig a mill race through a certain reserved section of land in said county, which was read and referred to a select committee of Messrs. Hannah, Worth and Guion.

Mr. Sims presented a petition of John W. Cox, of Morgan county, praying authority to build a mill dam with a sufficient slope, across the west fork of White

river, which was read and referred to a select committee of Messrs. Sims, Lemon and Beckes.

Mr. Reed presented a remonstrance of William R. Morris and others, of Franklin county, against attaching part of said county to the counties of Union and Fayette, which was read and referred to the same committee of the whole House, to whom was referred the several petitions, and the bill on that subject.

Mr. Paxton from the select committee to whom was referred the petition of Aaron Beck and others, of Rush county, praying part of said county may be attached to the county of Madison, reported, that the prayer of the petitioners is unreasonable, and ought not to be granted.

Which was read and concurred in by the House.

Mr. Paxton from the select committee to whom was referred the petition of Thomas M. Pendleton and others, reported a bill for the re location of the seat of justice of Madison county, which was read the first time and passed to a second reading to-morrow.

Mr. Baird, from the select committee to whom was referred the petition of Joseph Green and others, reported a bill to authorize the leasing of a reserved section of land in Washington county, including Rice's lick; which was read the first time and passed to a second reading to-morrow.

Mr. Fitzgerald presented the following resolution for the consideration of the House, which was read and rejected, to wit:

*Resolved.* That the committee on military affairs enquire into the expediency of furnishing each of the commissioned and staff officers of the militia of this state, with a copy of the system of discipline adopted for the use of the United States army.

Mr. Richardson presented the following resolution for the consideration of the House, to wit:

*Resolved,* That the standing committee on roads be requested to enquire into the propriety of so amending the law for opening and repairing roads and highways in this state, that some suitable compensation may be made to the supervisors thereof, and that no supervisor

shall all be compelled to serve as such for more than one year at any one time.

Mr. Hillis moved to amend said resolution so as to strike out that part which proposes to give compensation to the supervisors, which was carried in the affirmative.

Mr. Lomax then moved further to amend said resolution by adding after the word "any," in the last line, "three years;" and striking out the words "one time," which was also adopted.

Said resolution was then read as amended and rejected by the House.

Mr. Hawk, from the select committee to whom was referred the charges and specifications of Obadiah Turpin, against Isaiah Cooper, justice of the peace of Owen county, reported, that said committee had directed him to prepare and submit to the House the following articles of impeachment, to wit:

Articles of impeachment exhibited by the House of Representatives, in the name of themselves and the people of the state of Indiana, against Isaiah Cooper, a justice of the peace in and for the township of Washington, in the county of Owen and state of Indiana.

ARTICLE 1st. That the said Isaiah Cooper, then and there being a justice of the peace in and for Washington township, in the county of Owen, and state aforesaid, being duly elected, commissioned and qualified as such justice of the peace for the township, county and state aforesaid, the said Isaiah Cooper residing therein, is and has been guilty of mal-administration in said office of justice of the peace.

*Specification 1st.* That the said Isaiah Cooper heretofore, to wit: on the twentieth day of March, in the year one thousand eight hundred and twenty-five, at Washington township, in the county of Owen and state of Indiana, while acting as such justice, of and under color of his said office, did corruptly, and in violation of his duty as such justice, persuade one John W. List, against his the said List's will, to commence a suit before him the said Isaiah Cooper as such justice, against one Samuel Jackson, and promised said John W. List that if he, said List, would commence suit against said

Samuel Jackson, he, said Isaiah Cooper, as such justice of the peace, would give judgment for said List, against said Jackson, for the purpose of making costs for himself, the said Cooper; in consequence whereof and of such persuasion and promise as aforesaid, the said List did afterwards, to wit: on the day and year last aforesaid, commence a suit before said Isaiah Cooper as such justice, against said Samuel Jackson, and afterwards, to wit: on the twenty fourth day of March, in the year of our Lord one thousand eight hundred and twenty-five, in the township and county aforesaid, in pursuance of the persuasion and promise aforesaid, render a judgment in favor of said List against said Jackson.

*Specification 2d.* That the said Isaiah Cooper, on the twentieth day of November, in the year of our Lord one thousand eight hundred and twenty-five, at Washington township, in Owen county and state of Indiana, while acting as such justice, by virtue and under color of his said office, did wilfully, and corruptly, and knowingly permit and suffer one Moses P. Bradley to alter the official papers and docket of said Isaiah Cooper, as such justice of the peace, in thus, to wit: so as to make one Asa Brown, who was security on the docket for a judgment before and by such justice of the peace before that time rendered against one Jesse Parker, liable to pay the amount of said judgment, interest thereon and costs, which said judgment said Parker had before that time paid.

*Specification 3d.* That the said Isaiah Cooper heretofore, to wit: on the twentieth day of June, in the year one thousand eight hundred and twenty-five, at Washington township, in said county of Owen, while acting as such justice of the peace, did corruptly purchase by Enoch Cooper, his infant son, a large quantity of leather seized and sold by one Morris P. Bradley, a constable in and for said township, in and for said county, by virtue of an execution by said Isaiah Cooper while acting as such justice issued, on a judgment by him rendered against one John Hart, contrary to the law in such case made and provided.

*Specification 4th.* That the said Isaiah Cooper, on the tenth day of April, in the year of our Lord one thousand eight hundred and twenty-five, at Washington township, in said county of Owen, rendered a judgment in favor of one Smith Elkins, in a certain action then and there tried before him as and while acting as such justice of the peace in said township and county rendered, wherein Joshua O. Howe was plaintiff and said Elkins was defendant, and afterwards, to wit: on the tenth day of July in the year aforesaid, did corruptly as such justice of the peace, without the knowledge and consent of said Elkins, alter said judgments and enter the same in favor of said Joshua O. Howe.

*Specification 5th.* That whereas, one Moses P. Bradley, constable of said township, was arrested on a warrant issued by one David Johnson, a justice of the peace in and for said Owen county and state aforesaid, on a charge of perjury, for making a false return on an execution issued by said Isaiah Cooper, as such justice of the peace, on a judgment before that time rendered by said Isaiah Cooper in favor of Alexander Owens and John Owens plaintiffs, against Philip Hedges defendant, on which said execution said Bradley had returned "nothing made," whereas in truth and in fact it was alleged that said Bradley had made a large sum of money; to wit: the sum of fourteen dollars; said Isaiah Cooper, while acting as such justice of the peace in the township, county and state aforesaid, corruptly and in violation of his duty, on the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-five, permitted the said Moses P. Bradley to take and carry away from his, said Cooper's office the papers of him, said Cooper, as such justice of the peace, for the purpose of altering the said endorsment on said execution before that time returned by said Bradley as such constable to the office of said Cooper as such justice, so as to defeat said charge of perjury against said Bradley as aforesaid.

*Specification 6th.* That said Isaiah Cooper heretofore, to wit: on the first day of August, in the year of our Lord one thousand eight hundred and twenty-four,

and on divers other times between that day and the time of preferring this impeachment, while acting as such justice of the peace at the township, county and state aforesaid, corruptly and in violation of his duty permitted one Moses P. Bradly to issue at his pleasure, and sign said Cooper's name as a justice of the peace to all and every kind of process which a justice of the peace can by law issue, to the great harrassing of the good citizens of said county.

ARTICLE 2d. That the said Isaiah Cooper, then and there being a justice of the peace in and for said township, county and state aforesaid, in manner and form aforesaid, is and has been guilty of wilful neglect of duty in his said office of justice of the peace.

*Specification 1st.* That said Isaiah Cooper has not nor would not take his seat as a member of the board of justices of Owen county, since the first day of October, in the year one thousand eight hundred and twenty-four, until the present time, during all which time said Isaiah Cooper has exercised his said office of justice of the peace in said township, county and state; and during all which time said Isaiah Cooper had not any excuse for not taking his seat as aforesaid, but was and remained drunk during all the time of each and every session of the board of justices of said county: so that said Isaiah Cooper is and has been guilty of manifest and wilful negligence in discharge of official duties as justice of the peace as aforesaid, to the injury of the good citizens of the said county, contrary to the statute in such case provided, and against the peace and dignity of the state of Indiana.

ARTICLE 3d. That said Isaiah Cooper, justice of the peace as aforesaid, has been and is guilty of barrety, to wit: at the county of Owen and state aforesaid.

*Specification 1st.* That said Isaiah Cooper, on the day of March, in the year of our Lord one thousand eight hundred and twenty-five, at the county of Owen, in the state aforesaid, did frequently excite and stir up quarrels, between the citizens of this state, at law; so that the said Isaiah Cooper has been and is a common barrator, contrary to the statute in such case provi-



ded, and against the peace and dignity of the state of Indiana.

On motion of Mr. Sweetser,

The House concurred therein.

On motion of Mr. Palmer,

*Resolved*, That the Speaker appoint three members of this House, to act as managers on their part, to prosecute said articles of impeachment at the bar of the Senate.

Whereupon,

Messrs. Howk, Sweetser and Gray were appointed that committee.

On motion of Mr. Sweetser,

*Resolved*, That the Senate be informed that the House of Representatives have preferred articles of impeachment against Isaiah Cooper, justice of the peace of Owen county, and have appointed Messrs. Howk, Sweetser and Gray managers, and demand justice; and that a day be set when the Senate will hear said case, and that process be asked of the Senate to compel the attendance of said Cooper, to answer said articles of impeachment; and as witnesses on the part of the House of Representatives, David Johnson, Thomas F. G. Adams, John Hart, John W. List, Obadiah Turpen, John Craddock, Thomas Harvey, Samuel Howe, John Johnson, senior, Asa Brown, Montgomery Allison, Samuel Jackson, Isaac Heaton, Jesse Evans, George Mayfield, of Owen county, and Philip Hedges, of Clay county.

The House proceeded to consider the orders of the day.

The bill to provide for a more certain return of votes for Governor and Lieutenant Governor, was read the second time, and committed to a committee of the whole House to-morrow.

The House resolved itself into a committee of the whole, on the bill from the Senate for the relief of William Youse,

Mr. Gard in the chair,

After some time spent therein, the Speaker resumed the chair, and Mr. Gard reported said bill without amendment.

*Ordered*, That the same be read a third time to-morrow.

The engrossed bill for the relief of John R. Montgomery late collector of Gibson county; the engrossed bill for the formation of a new county out of the counties of Montgomery and Wabash; the engrossed joint resolution on the subject of obtaining further relief to the purchasers of public lands; the engrossed bill for the relief of Alexander Dick; the engrossed bill for the relief of Gideon B. Hart late collector of Bartholomew county; and the engrossed bill for the relief of the securities of the late sheriff of Crawford county; were severally read the third time and passed.

*Ordered*, That said bills be entitled "Acts," and that the clerk carry the same to the Senate and ask their concurrence.

The House resolved itself into a committee of the whole, on the bill to improve the navigation of Laughery creek,

Mr. Jackson in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Jackson reported said bill without amendment.

*Ordered*, That the same be engrossed and read the third time to-morrow.

The House resolved itself into a committee of the whole on the bill for the relief of the heirs of Benjamin Warner, deceased,

Mr. Keen in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Keen reported said bill without amendment.

*Ordered*. That said bill be engrossed and read the third time to-morrow.

The House resolved itself into a committee of the whole on the bill giving further powers to the administrators of Eliza Stewart, deceased,

Mr. Lewis, of Wayne, in the chair.

And after some time spent therein the Speaker resumed the chair, and Mr. Lewis, of Wayne, reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill to amend the act, entitled An act prescribing the mode of changing the venue,

Mr. Moffatt in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Moffatt reported the same without amendment.

*Ordered*, That said bill be engrossed and read the third time to-morrow.

The House resolved itself into a committee of the whole on the bill to amend the act organizing the supreme court, and defining its powers and duties,

Mr. Paddacks in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Paddacks reported the same with one amendment.

Which was read and concurred in by the House.

*Ordered*, That said bill be engrossed as amended and read a third time to-morrow.

A message from the Governor, by Mr. Wick, his private secretary:

*Mr. Speaker,*

I am instructed by the Governor to inform the House of Representatives, that he did, on this day approve and sign. "An act legalizing the proceedings of the school trustees of congressional township No. 13, range No. 13, in Fayette county;" and An act to amend the act entitled "An act to establish seats of justice in new counties," approved, January 14th, 1824.

The House resolved itself into a committee of the whole on the bill for the relief of revolutionary soldiers,

Mr. Reed in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Reed reported progress, and asked leave to sit again.

Which leave was accordingly granted.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The House again resolved itself into a committee of the whole on the bill for the relief of revolutionary soldiers,

Mr. Reed in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Reed reported said bill with several amendments.

Which were read and concurred in by the House generally.

On motion of Mr. Beckes,

Said bill was recommitted to a select committee of Messrs. Beckes, Pepper, Guion and Jackson.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have adopted the following resolution, to wit:

*Resolved*, That the Senate will meet the House of Representatives in the Representative Hall, instanter, for the purpose of proceeding by joint ballot to elect an Auditor of Public Accounts and Treasurer of State for the ensuing three years—That the House of Representatives be informed of the passage of this resolution, and a similar one on their part requested. And that Mr. Cotton is appointed teller on the part of the Senate.

Mr. Keen submitted the following report for the consideration of the House, to wit:

The joint committee appointed to examine the offices of the auditor and treasurer of state respectfully report: That under the pressure of other duties, and aware that the committee of ways and means will particularly scrutinize both the offices during our session, it was determined not to be expedient to undertake the labour of a distinct and minute examination. The outlines of the annual reports of each office transmitted to both houses a few days since, were examined with the apparent state of the books and vouchers, and upon satisfactory observation the committee unite in a belief that general accuracy and correctness prevail. From all the information your committee could hastily glean, acting under the general views

stated it does not appear necessary to suggest any improvement at this time, to ensure a safe accountability for the public purse, and the several duties enjoined by law seem to have been performed by the immediate guardians under your authority, in a manner no way discreditable to their acknowledged ability; and your committee ask to be discharged.

On motion,

The House concurred in said report, and said committee were discharged from the further consideration of said subject.

On motion of Mr. Posey,

*Resolved*, That the Senate be informed that this House reciprocate the resolution informing them that they are ready to go into the election of Auditor and Treasurer of State, to serve for the ensuing three years; that their attendance is requested instantler; that seats are provided for them on the right of the Speaker's chair; and that this House have appointed teller on their part.

On motion of Mr. Pepper,

Mr. Posey was appointed teller on the part of this House.

*Ordered*, That the clerk inform the Senate thereof.

The Senate came down attended by their President, and took their seats on the right of the Speaker's chair, & the President of the Senate on the right of the Speaker.

Whereupon,

Both Houses proceeded by joint ballot to the election of a Treasurer of State, and after counting the first ballot it appeared, that Samuel Merrill had received 61 votes for that office.

Whereupon,

Mr. Samuel Merrill was, in the presence of both Houses declared duly elected Treasurer of State, for the term of three years from and after this day.

The two Houses then proceeded by joint ballot to the election of an Auditor of Public Accounts; after counting the first ballot it appeared, that for that office William H. Lilly had 24 votes, Benjamin J. Blythe had 19 votes, William G. Armstrong 9 votes, and John Scott 10 votes; neither of the above named persons having received a majority of the whole number of votes given, the two

Houses proceeded to a second ballot; after counting which, it appeared that William H. Lilly received 25 votes, Benjamin J. Blythe 22 votes, William G. Armstrong 8 votes, and John Scott 7 votes; neither of the above named persons having yet received a majority of the whole number of votes given, the two Houses proceeded to a third balloting. after counting which, it appeared that William H. Lilly received 31 votes, Benjamin J. Blythe 28 votes, scattering 3 votes; neither of the above named persons having as yet received a majority of the whole number of votes given, the two Houses then proceeded to a fourth balloting, after counting which, it appeared that William H. Lilly received 34 votes, and Benjamin J. Blythe 27 votes, scattering 1 vote.

William H. Lilly having received a majority of the whole number of votes given, was, in the presence of both Houses of the General Assembly, declared duly elected Auditor of Public Accounts, for the term of three years from and after this day.

The Senate then retired to their chamber.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, DECEMBER 20th, 1825.

The House met pursuant to adjournment.

Mr. Keen, from the committee on the affairs of the town of Indianapolis, reported a bill making an appropriation for building a fire proof house, to contain the offices of the Secretary of State and Clerk of the Supreme Court, which was read the first time and passed to a second reading to morrow.

Mr. Jackson, from the select committee to whom was referred the petition of George H. Dunn and others, of Dearborn county, reported a bill to authorize the commissioners on the state road from Lawrenceburgh to Indianapolis, to apply certain money therein named; which

was read the first time and passed to a second reading to-morrow.

Mr. Riley, from the select committee to whom was referred the petition of A. Field and others, praying part of the county of Lawrence may be attached to the county of Orange, reported, that they have had the same under consideration, and are of opinion that the prayer of the petitioners is unreasonable and ought not to be granted; which was read and concurred in by the House.

Mr. Sims from the select committee to whom was referred the petition of John W. Cox of Morgan county, reported a bill authorizing John W. Cox to erect a mill dam across the west fork of White river: which was read the first time and passed to a second reading to-morrow.

Mr. Ketcham, from the select committee to whom was referred the petition of John A. Givens, and others, reported a bill to incorporate the Blue Spring Community; which was read the first time and passed to a second reading to-morrow.

Mr. Keen, from the select committee to whom was referred that part of the Governor's message which relates to agriculture and manufactures, reported a bill to encourage agriculture and manufactures; which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Craig,

Mr. Rose was added to the committee to whom was referred the petition of John Dumont and others, relative to incorporating the townships in Switzerland and Ripley counties.

On motion,

Mr. Lewis, of Franklin, was added to the select committee to whom was referred that part of the Governor's message which relates to the establishment of a canal from Lawrenceburgh to Fort Wayne.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill from this House, entitled An act authorizing the Secretary of

State to purchase a letter book for the use of this state, without amendment. They have passed a joint resolution of the General Assembly relative to the purchasers of public lands; and an engrossed bill relative to the agent of the three per cent. fund; in which they desire the concurrence of this House. And they have adopted the following resolution, to wit:

*Resolved*, That the Senate reciprocate the resolution of the House of Representatives, appointing a second committee of free conference on the subject matter of difference between the two houses, respecting the engrossed bill from the House of Representatives providing for contesting the election of Governor and Lieutenant Governor, and Messrs. Pennington and De Pauw are appointed that committee on the part of the Senate.

Said bill from the Senate relative to the three per cent. fund, and the joint resolution of the General Assembly relative to purchasers of public lands, were severally read the first time and passed to a second reading to-morrow.

On motion of Mr. Child,

The select committee to whom was referred that part of the message of the Governor, which relates to the communications from the state of Georgia, were discharged from the further consideration thereof.

Mr. Hillis presented the following resolution, which was read and ordered to lie on the table, to wit:

*Resolved*, That the committee of impeachments be instructed to examine the list of witnesses relative to Isaiah Cooper's case, and if practicable curtail their number.

On motion of Mr. Sweetser,

The House took up the bill to amend the act entitled "An act providing for the settlement of decedents' estates and for other purposes," approved, January 26th, 1824. And,

On motion,

The House resolved itself into a committee of the whole on said bill,

Mr. Rose in the chair,

After some time spent therein, the Speaker resumed



the chair, and Mr. Rose reported progress, and asked leave to sit again.

Which leave was granted by the House.

Mr. Stanford after having obtained leave, presented a bill to amend the act entitled "An act to locate seats of justice in new counties;" which was read the first time and passed to a second reading to-morrow.

Mr. Howk from the select committee to whom was referred the communication from Samuel Merrill and William H. Lilly, against Nathaniel W. Marks, sheriff of Rush county; reported the following articles of impeachment against said Nathaniel W. Marks, to wit:

STATE OF INDIANA, ss.

Articles of impeachment exhibited by the House of Representatives of said state, in the name of themselves and the people of the state of Indiana, against Nathaniel W. Marks, Sheriff of the county of Rush, in the state aforesaid.

ARTICLE 1. That the said Nathaniel W. Marks, sheriff of the said county of Rush, has been and is guilty of forgery, to wit: at the county of Rush, in the state aforesaid.

*Specification 1.* That the said Nathaniel W. Marks, sheriff of said county of Rush, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-three, at the county of Rush, and within the state of Indiana, did feloniously and falsely make and forge, and did falsely procure to be made and forged, a certain certificate, purporting to be a certificate of Robert Thompson, clerk of the circuit court of Rush county, with the proper seal of said circuit court thereunto annexed, certifying the amount of revenue in Rush county for state purposes, for 1822, the tenor of which said false and forged certificate is as follows:

STATE OF INDIANA, }  
Rush county, } ss.

I, Robert Thompson, clerk of the Rush circuit court, do hereby certify that there stands charged against N. W. Marks, sheriff of Rush county, one hundred and fifty-one dollars, that being the amount of revenue in Rush county for state purposes, for the [year] one thousand eight hundred and twenty-two, as appears by the list filed in my office. In testimony whereof I have hereunto set my hand and seal of my office, this 9th day of November, A. D. 1823.

(L. S.)

ROBERT THOMPSON, C. R. C. C.

With intent to defraud the state of Indiana of the sum of thirty-four dollars and fifty cents, part of the taxes for state purposes for the said county of Rush, for the year one thousand eight hundred and twenty-two, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

*Specification 2.* That the said Nathaniel W. Marks, sheriff of the county of Rush, in the state of Indiana, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-three, at and within the state of Indiana, a certain false, forged and counterfeit certificate, purporting to have been made and signed by Robert Thompson, clerk of the Rush circuit court, with the proper seal of the said circuit thereon impressed, with force and arms feloniously did utter and publish as a true certificate of the

clerk of said circuit court, which said certificate so as aforesaid falsely made, forged and counterfeited, is in the words and figures following:

STATE OF INDIANA, }  
Rush county, } ss.

I, Robert Thompson, clerk of the Rush circuit court, do hereby certify that there stands charged against N W Marks, sheriff of Rush county, one hundred and fifty-one dollars, that being the amount of revenue in Rush county for state purposes, for the [year] one thousand eight hundred and twenty-two, as appears by the list filed in my office. In testimony whereof I have hereunto set my hand and seal of my office, this 9th day of November, A. D. 1823

(L. S.)

ROBERT THOMPSON, C. R. C. C.

With intent to defraud the state of Indiana of the sum of thirty-four dollars and fifty cents, part of the taxes for state purposes in the county of Rush, for the year one thousand eight hundred and twenty-two contrary to the form of the statute in such case made, and against the peace and dignity of the state of Indiana.

*Specification 3.* That the said Nathaniel W. Marks, sheriff of Rush county and state of Indiana, duly elected, commissioned and qualified to act as such sheriff, while acting in and exercising his said office of sheriff of Rush county aforesaid, at and within said county of Rush, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-three, feloniously did falsely make, forge and counterfeit, and did cause and procure to be falsely made, forged and counterfeited, a certain certificate purporting to be a certificate of Robert Thompson, clerk of the circuit court of Rush county, with the seal of the said circuit court thereto annexed, certifying the amount of the state tax for the county of Rush, for the year one thousand eight hundred and twenty-three, which said certificate so as aforesaid falsely made, forged and counterfeited is in the words and figures following:

STATE OF INDIANA, }  
Rush county, } ss.

I, Robert Thompson, clerk of the Rush circuit court, do hereby certify that N W. Marks, sheriff of Rush county, stands charged with one hundred and eighty-four dollars, being the amount of revenue in Rush county for state purposes, for the year one thousand eight hundred and twenty-three: In testimony whereof I have hereunto set my hand and seal of my office this 9th day of November, A. D. 1823.

(L. S.)

ROBERT THOMPSON, C. R. C. C.

With intent to defraud the state of Indiana the sum of forty-eight dollars, part of the taxes for state purposes in the county of Rush, for the year one thousand eight hundred and twenty-three, contrary to the form of the statute in such case made and provided and against the peace and dignity of the state of Indiana.

*Specification 4.* That the said Nathaniel W Marks, sheriff of Rush county, and state of Indiana, duly elected, commissioned and qualified to act as such sheriff, and while acting in and exercising his said office of sheriff of said county of Rush, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-three, at and within the county and state aforesaid, a certain false, forged and counterfeit certificate, purporting to have been made and signed by Robert Thompson, clerk of the Rush circuit court, with the proper seal of said circuit court thereto annexed, with force and arms feloniously did utter and publish as a true certificate of the clerk of the said circuit court; which said certificate so as aforesaid falsely made, forged and counterfeited, is in the words and figures following:

STATE OF INDIANA, }  
 Rush county, } ss.

I, Robert Thompson, clerk of the Rush circuit court, do hereby certify that N. W. Marks, sheriff of Rush county, stands charged with one hundred and eighty-four dollars, being the amount of revenue in Rush county for state purposes, for the year one thousand eight hundred and twenty-three: In testimony whereof I have hereunto set my hand and seal of my office this 9th day of November, A. D. 1823.

(L. S.)

ROBERT THOMPSON, C. R. C. C.

With intent to defraud the state of Indiana of the sum of forty-eight dollars, part of the taxes for state purposes in the county of Rush, for the year one thousand eight hundred and twenty-three, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

Which being read was concurred in by the House.

On motion of Mr. Sweetser,

*Resolved*, That the Speaker appoint managers on the part of this House, to prosecute said impeachment at the bar of the Senate.

Whereupon,

Messrs. Sweetser, Craig, Fitzgerald and Howk, were appointed managers on the part of this House.

*Ordered*. That the Senate be informed thereof.

On motion of Mr. Sweetser,

*Resolved*, That the Senate be informed that the House of Representatives have preferred articles of impeachment against Nathaniel W. Marks, sheriff of Rush county, have appointed Messrs. Sweetser, Craig, Fitzgerald and Howk managers, and demand justice; that process issue to compel the attendance of said Marks to answer said articles of impeachment, and as witnesses on the part of the House of Representatives, Samuel Merrill and William H. Lilly of Marion county, Robert Thompson, Charles H. Test and Charles H. Veeder, of Rush county.

*Ordered*, That Mr. Sweetser inform the Senate.

The House proceeded to consider the orders of the day.

The bill to re locate the seat of Justice of Madison county was read the second time, and committed to a committee of the whole House on Thursday next.

The bill to authorize the leasing a reserved section of land in Washington county, including Rice's lick, was

read the second time and committed to a committee of the whole House to-morrow.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate entitled An act for the formation of the county of Tippecanoe,

Mr. Sims in the chair,

After some time spent therein the speaker resumed the chair, and Mr. Sims reported said bill with several amendments.

Which were read and concurred in by the House.

*Ordered*, That said amendments be engrossed and read the third time to-morrow, together with said bill.

The House resolved itself into a committee of the whole on the bill to amend the act entitled An act relative to county boundaries, and the remonstrance of William R. Morris and others of Franklin county,

Mr. Ketcham in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Ketcham reported said bill without amendment.

Mr. Lewis of Franklin moved that the further consideration of said bill be indefinitely postponed.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Lewis of Franklin renewed his motion, to indefinitely postpone the bill to amend the act relative to county boundaries.

Whereupon,

On motion of Mr. Palmer,

Said bill was recommitted to a select committee, with instructions to report to this House the number of square miles in the county of Franklin; Messrs. Palmer, Posey, Johnson, Ketcham and Keen, were appointed said committee.

The House resumed the consideration of the orders of the day.

The House resolved itself into a committee of the

whole on the joint resolution relative to the National Road from Wheeling to the Mississippi,

Mr. Blair in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Blair reported the same without amendment.

*Ordered*, That said joint resolution be engrossed and read the third time to-morrow.

The House resolved itself into a committee of the whole on the bill authorizing the sale of a house and lot belonging to the estate of Moses Kirkpatrick, deceased,

Mr. Hannah in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Hannah reported said bill without amendment.

*Ordered*, That the same be engrossed and read the third time to-morrow.

Mr. Richardson from the joint committee for enrolled bills, reported, that they did on this day present to the Governor for his approval and signature,

An act to legalize the marriage of William Wright, of Floyd county.

The House resolved itself into a committee of the whole on the bill providing for removing the obstructions in the river Patoka,

Mr. Stanford in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Stanford reported said bill with several amendments, which were read and concurred in by the House.

*Ordered*, That the same be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled An act for the relief of William Reed,

Mr. Richardson in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Richardson reported said bill with one amendment, which was read and concurred in by the House.

Mr. Beckes then moved to indefinitely postpone the further consideration of said bill, and the ayes and noes being demanded by two members,

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Child, Craig, Fitzgerald, Gray, Hawk, Johnson, Lemon, Lewis of Wayne, Lomax, Moffatt, Paddacks, Pepper, Richardson, Sweetser, Wallace and Worth—18.

*And those who voted in the negative are,*

Messrs. Blair, Burnett, Claypool, Clendenin, Gard, Guion, Hannah, Hillis, Jackson, Keen, Ketcham, Palmer, Paxton, Posey, Reed, Riley, Robertson, Rose, Sims, Stanford, Stewart, Walker, Williams and Evans, speaker—24.

So said bill was not indefinitely postponed.

*Ordered,* That said amendment be engrossed and together with said bill be read the third time to-morrow.

The House resolved itself into a committee of the whole on the bill to provide for a more certain return of votes for Governor and Lieutenant Governor,

Mr. Stewart in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Stewart reported said bill with several amendments; which were read and concurred in by the House generally.

*Ordered,* That the same be engrossed and read the third time to-morrow.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker.*

The Senate have passed an engrossed bill entitled An act for the relief of Jonathan Gifford and others, in which they desire the concurrence of this House.

Said bill was read the first time and passed to a second reading to-morrow.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have adopted the following resolutions, to wit:

*Resolved,* That process issue against Isaiah Cooper, a justice of the peace in and for the county of Owen, who is impeached by the House of Representatives for mal administration and corruption in his said office as justice of peace, returnable on the second Monday in January, 1826; also subpoenas for the witnesses named by the House of Representatives, and that blank subpoenas be sent to the person impeached, to be used by him to compel the attendance of his witnesses, returnable on the day aforesaid: that a copy of the articles aforesaid be delivered to the impeached, by the sergeant-at arms of the Senate: that the House of Representatives be informed of the adoption of this resolution, and that the Senate will form themselves into a high court of impeachment on the said second Monday in January, for the trial of said Cooper.

*Resolved,* That process issue against Nathaniel W. Marks, sheriff of the county of Rush, who is impeached by the House of Representatives for forgery; and subpoenas for witnesses to support the prosecution; and also, blank subpoenas be sent to the impeached to compel the attendance of his witnesses; which process shall be made returnable on the first Monday in January, 1826: that a copy of the articles of impeachment be delivered to the impeached, by the sergeant at arms of the Senate: that the House of Representatives be informed of the adoption of this resolution; and also, that the Senate will, on the first Monday in January, 1826, form themselves into a high court of impeachment for the trial of said Marks.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DECEMBER 21, 1825.

The House met pursuant to adjournment.

Mr. Lewis of Franklin, presented a petition of J. W. Johnson and others, and David Wallace and others of Franklin county, praying a law to pass legalizing the proceedings of the trustees of school section, No. 16, township No. 9, range 2 west; which was read, and referred to a select committee of Messrs. Lewis of Franklin, Reed, Daniel and Claypool.

Mr. Sweetser presented a petition of John Berry of Madison county praying certain relief therein named; which was read and referred to the same committee of the whole, to which was referred the bill to re-locate the seat of justice of said county.

Mr. Rose presented a petition of sundry citizens of Wayne and Henry counties, praying the location of a state road from Centreville to New Castle. And also, the petitions of sundry citizens of Wayne and Union counties; praying authority to locate a state road from Centreville in Wayne county, through Abington to Liberty in Union County; which were read and referred to a select committee of Messrs. Rose, Hannah, Claypool, Stanford and Lewis of Wayne.

Mr. Hawk submitted the following report, to wit:

*Mr. Speaker,*

The committee to whom was referred the joint resolution which originated in the Senate, relative to the agent of the three per cent fund, together with the accompanying documents, have examined the same; and find from vouchers exhibited, that Christopher Harrison, agent of the three per cent fund, has paid to the road commissioners in pursuance of the statute in that case provided, the sum of ten thousand eight hundred and sixty nine dollars twenty-one cents; your committee recommend therefore, the passage of said joint resolution without amendment.

*Ordered,* That said joint resolution be read a third time to morrow.

Mr. Beckes from the select committee to whom was referred that part of the Governor's message which re-



lates to asylums for the poor, submitted the following report, to wit:

*Mr. Speaker,*

The committee to whom was referred as much of the Governor's message as recommends the establishment of public asylums for the the support of the poor, report:—

That they have attentively examined the subject submitted by the House to their consideration. The committee are perfectly aware that to secure suitable provision for the poor, is a point in legislation carefully attended to in every civilized and christian country.—We see a pledge to this effect in the protecting principle upon which governments are based. But the laws for this, as for other purposes of social life, must be adapted to the situation and circumstances of the community for which they are intended. In countries overflowing with inhabitants, and where from a variety of causes, great inequalities as to riches and rank in society unfortunately prevail, and paupers consequently become exceedingly numerous; there it is that work houses, hospitals, asylums, poor houses, and many other public institutions of a similar character, have been considered proper and useful for the wretched victims of penury and affliction. The state of Indiana, however, is by no means a country of this description. On the contrary, it is just in the vigor of youth, its population is not at present, nor will it be for many years to come, inconveniently crowded; the means of subsistence are abundant and easily obtained. The pride of our grown wealth in a few, its invidious distinctions, and the consequent distress and poverty of the many, are as yet unknown. Comparatively speaking, we can scarcely be said to have any paupers. The proportion is less than one to a thousand of our population. It is true, the smallness of the number does not affect the principle, that each is sacredly bound to contribute his share to the welfare of all, but it proves the impolicy of incurring the expense of erecting and supporting extensive and numerous public establishments for the accomplishment of an object so limited in extent, and so easily and

perfectly attainable without them. Our present system of poor laws has been in operation since the commencement of the government, and is found upon experience, wisely adapted to the situation of our country. The few paupers we have, are comfortably supported, in a prudent and economical manner, in different places and by respectable people. Were they collected together in poor houses, their maintenance would be more expensive, their situation more degraded, and their poverty more exposed and humiliating. Settled, as under our statute laws they now are, in different parts of the several counties, these poor people become, as it were, members of the respective families of their more fortunate fellow-citizens with whom they reside; and their afflictions are alleviated, and in a considerable degree forgotten, amidst the comforts and conveniences by which they are surrounded.

The committee, therefore, are unanimously of opinion, that the establishment of asylums in the different counties or other districts of the state, for the support of paupers, as recommended in the Governor's message, would not at present be expedient.

All of which is respectfully submitted.

Which being read was concurred in by the House.

And on motion,

Said committee were discharged from the further consideration thereof.

Mr. Hawk submitted the following report for the consideration of the House, to wit:

*Mr. Speaker,*

The committee to whom was referred the petition of sundry citizens of Madison county, preferring charges against Moses Cox clerk of said county, and praying an impeachment against him, have had the same under consideration, and are of opinion, that the charges exhibited in said petition are of too general a character to found articles of impeachment thereon, and your committee pray to be discharged.

Which being read was concurred in by the House.

And on motion,

Said committee were discharged from the further consideration thereof.

Mr. Hannah, from the select committee to whom was referred the petition of Asa M. Sherman and others, of Wayne county, reported a bill to authorize Jacob Caylor to dig a mill race through part of the south east quarter of section 16, township 16, range 12; which was read the first time and passed to a second reading to-morrow.

Mr. Rose from the select committee to whom was referred the petition of H. C. Hammond and others, of Union county, reported a bill to improve the navigation of the east fork of Whitewater, which was read the first time, and passed to a second reading to-morrow.

Mr. Child submitted the following report for the consideration of the House, to wit:

*Mr. Speaker,*

The committee of free conference appointed on the part of this House to take into consideration the subject matter of dispute between the two houses relative to the amendment made by this House to the amendment made by the Senate to the bill from this House providing for contesting the election of Governor and Lieutenant Governor, report, that they have performed the duty assigned them, and cannot make any arrangement on the subject.

On motion,

Said committee were discharged from the further consideration of said subject.

Mr. Richardson, after having obtained leave, presented a bill to repeal part of the 80th section of the act, relative to crimes and punishments; which was read the first time and passed to a second reading to-morrow.

Mr. Child moved that this House adhere to their amendment made to the amendment of the Senate to the engrossed bill from this House entitled An act providing for contesting the election of Governor and Lieutenant Governor, and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Child, Claypool, Gray, Johnson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Palmer, Pepper, Reed, Richardson, Rose, Sweetser and Worth—18.

*And those who voted in the negative are,*

Messrs. Boon, Burnett, Clendenin, Craig, Daniel, Fitzgerald, Gard, Guion, Hannah, Hillis, Howk, Jackson, Keen, Moffatt, Paddacks, Paxton, Posey, Riley, Robertson, Sims, Stanford, Stewart, Walker, Wallace, Wililams and Evans, speaker—26.

So the House refused to adhere to said amendment.

On motion of Mr. Clendenin,

The House re-considered their vote insisting on their amendment to said bill.

Mr. Clendenin then moved, that this House recede from their amendment, to the amendment made by the Senate, to said bill, and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Boon, Burnett, Clendenin, Craig, Daniel, Fitzgerald, Gard, Guion, Hannah, Hillis, Howk, Keen, Ketcham, Moffatt, Paddacks, Paxton, Posey, Riley, Robertson, Sims, Stanford, Stewart, Walker, Wallace, Williams and Evans, speaker—26.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Child, Claypool, Gray, Jackson, Johnson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Palmer, Pepper, Reed, Richardson, Rose, Sweetser and Worth—19.

So the House receded from said amendment.

*Ordered,* That the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from William H. Lilley, Auditor of Public accounts, in pursuance of a resolution of this House of the 12th inst. to wit:

AUDITOR'S OFFICE,  
15th DECEMBER, 1825. }

*To the Hon. the Speaker of the  
House of Representatives,*

**SIR**—In compliance with a resolution of the House of Representatives of the 12th inst., relative to the amount of balances due from sundry counties to the 1st February last, I have the honor herewith to make the following report:

|   |    |       |     |
|---|----|-------|-----|
| There is due from the county of Bartholomew for the year 1822, upon which judgment is obtained, | \$ | 89    | 84  |
| From Clark for 1816,  | \$ | 125   | 43  |
| from do. do. 1817,  |    | 1,003 | 23  |
| making in all the sum of  |    | 1,128 | 66  |
| which is considered doubtful by insolvency of the collectors and securities.                    |    |       |     |
| Clark for 1823, suit ordered and relieved by a special act of last session, amount,             |    | 1,065 | 06  |
| Crawford for 1822, and judgment obtained,   |    | 247   | 47  |
| Dearborn for 1818, suit ordered,  |    | 119   | 53  |
| Dubois for 1823 and 1824, suit ordered,   |    | 145   | 59  |
| Fayette for 1820,   | \$ | 120   | 22  |
| do. 1822,   |    | 56    | 88  |
| suit ordered, amount in all,  |    | 177   | 10  |
| Fayette for 1823, suit ordered,   |    | 110   | 12  |
| Floyd for 1821,   | \$ | 95    | 93  |
| do. 1822,   |    | 384   | 14  |
| making in all   |    | 480   | 07  |
| Floyd for 1823,   |    | 733   | 84  |
| Upon all which suits have been commenced.   |    |       |     |
| From Henry for 1823, suit ordered,  |    | 82    | 86  |
| From Jackson for 1820,  | \$ | 33    | 19, |
| do. do. 1822,   |    | 224   | 93, |
| suit ordered, and a special act of the Legislature giving further time,                         |    | 258   | 17  |
| From Jefferson for 1824,  |    | 20    | 51  |
| From Martin for 1822,   | \$ | 203   | 93  |
| do. do. 1823,   |    | 338   | 33  |
| suit ordered, amounting to  |    | 542   | 26  |

|   |          |            |
|---|----------|------------|
| Monroe for 1823, suit ordered,            |          | 157 69     |
| Orange for 1822, suit ordered,            |          | 34 28      |
| do. 1823,                                 |          | 326 13     |
| From Parke for 1822,                      | \$ 58 55 |            |
| do. do. 1823,                             | 133 40   |            |
| suit ordered,                             |          | 191 95     |
| From Perry for 1822,                      | \$244 21 |            |
| do. do. 1823,                             | 278 95   |            |
| suit ordered,                             |          | 523 16     |
| Rush for 1824, \$61 00, to be transferred |          |            |
| by an act of last session, to 1825,       |          | 61 00      |
| Scott for 1824, suit ordered,             |          | 244 18     |
| Switzerland for 1823, suit ordered,       |          | 406 58     |
| do. 1824, do.                             |          | 1,068 73   |
| Vigo for 1822,                            | \$ 37 37 |            |
| do. 1823,                                 | 292 89   |            |
| suit ordered,                             |          | 330 21     |
| Wayne for 1818,                           | \$103 39 |            |
| do. 1819,                                 | 129 25   | 232 64     |
|   |          | <hr/>      |
| Making in all, the sum of                 |          | \$9.084 63 |

I have the honor to be, very respectfully, yours,

W. H. LILLY, Aud. Pub. Acc'ts.

Which was read and referred to the committee of ways and means.

Mr. Pepper presented the following resolution for the consideration of the House. to wit:

*Resolved*, That the committee on education be instructed to report a bill authorizing the trustees of school sections in each Congressional township, after obtaining consent of a majority of the legal voters in such township, in such manner as the committee may think proper, to provide by law, to lease the said school sections for the term of 99 years.

Mr. Riley moved to amend the same by striking out the words "the term of," and insert "terms not exceeding," which was adopted.

Mr. Hillis moved to lay the same on the table; which was decided in the negative.

Mr. Worth moved to amend the same so as to au-

thorize the fee simple of said lands to be sold; which was determined in the negative.

Mr. Claypool. moved further to amend said resolution by adding "*Provided*, said majority shall amount to twenty legal voters;" which was also determined in the negative.

On motion of Mr. Palmer,

The further consideration of said resolution was postponed until Friday next.

The House proceeded to consider the orders of the day.

The bill to incorporate the Blue Spring Community, was read the second time,

Whereupon,

Mr. Boon moved to indefinitely postpone the further consideration of said bill; which was decided in the negative. And

On motion of Mr. Ketcham,

The said bill was referred to the committee of the whole, and made the order of the day for to-morrow.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Gard,

Messrs. Keen and Guion, were added to the select committee to which was referred the petition of John Dumont and others, citizens of Switzerland and Ripley counties, praying that the townships in said counties may be incorporated for the purpose of transacting township business.

Mr. Richardson from the joint committee of free conference heretofore appointed to take into consideration, the subject matter of difference between the two houses relative to the first amendment made by the Senate to the engrossed bill from the House of Representatives, "for the relief of Benjamin F. Barker and Henry Waggoner," reported, that the said committee had had the same under consideration, and had agreed to amend the bill as follows, to wit:

In the seventh line in said bill strike out two hundred dollars, and insert such further sum as John J. Neely, Samuel Emmerson commissioners on said road, and J. R. E. Goodlett, shall deem just and equitable; the said John J. Neely, Samuel Emmerson and J. R. E. Goodlett, shall meet for that purpose on the 3d Monday in February next, at the court house in Princeton; any two of whom shall determine the same in the absence of the third. And,

On motion,

The House concurred in said report.

Mr. Sweetser moved that the House concur in the first amendment proposed by the Senate, to the bill from this House, providing for contesting the election of Governor and Lieutenant Governor.

Upon which,

The Speaker decided that said motion was out of order, inasmuch as the House having previously agreed to recede from the amendment made by them to the said amendment of the Senate to said bill, it was tantamount to a concurrence in said amendment.

From which decision Mr. Sweetser appealed to the House.

Whereupon,

The question was taken, Is the decision of the chair correct? and determined in the negative.

Whereupon,

The question being put, Shall the House concur in said amendment? and the ayes and noes being demanded thereon by two members, it was decided in the affirmative.

*Those who voted in the affirmative are,*

Messrs. Boon, Burnett, Clendenin, Craig, Daniel, Fitzgerald, Gard, Guion, Hannah, Hillis, Howk, Keen, Ketcham, Moffatt, Paddacks, Paxton, Posey, Riley, Robertson, Sims, Stanford, Stewart, Walker, Wallace, Williams and Evans, speaker—26.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Child, Claypool, Gray, Jackson, Johnson, Lemon, Lewis of Franklin, Lewis



of Wayne, Lomax, Palmer, Pepper, Reed, Richardson, Rose, Sweetser and Worth—19.

Mr. Sweetser submitted the following report for the consideration of the House, to wit:

*Mr. Speaker,*

The committee to whom was referred the petition of Jacob Kirkendall and others, make the following report—

That there appears to be a claim of Claudius G. Brown yet not legally liquidated, on the trustees of the Vincennes university; which said claim said trustees deny their liability to pay, if any be due, until funds shall come to their hands: That an act, entitled An act for the relief of Claudius G. Brown, approved January 26th, 1824, and also an act, entitled An act supplemental to an act establishing a county seminary in the county of Knox, approved February 12th, 1825, directs that the trustees of the seminary of Knox county shall pay to said Brown out of the funds which may come to his hands the amount of said Brown's claim when adjusted; which this committee think is an unconstitutional application of the seminary funds of Knox county; and that the claim of said Brown should be paid out of the funds of the Vincennes university.

Which being read was concurred in by the House.

Mr. Sweetser also reported a bill to repeal an act for the relief of Claudius G. Brown, approved January 26th, 1824, and part of an act, entitled An act supplemental to an act establishing a county seminary in the county of Knox, approved February 12th, 1825; which was read the first time, rule dispensed with, was read the second time and committed to a committee of the whole House to-morrow.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill from this House, entitled An act for the relief of Alexander Dick, without amendment: and they have passed an engrossed bill entitled An act for the relief of several persons therein named.

Which said last mentioned act was read the first time and passed to a second reading to-morrow.

Mr. Burnett, from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bill, entitled An act requiring the Secretary of State to procure a letter book for the use of this state, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Keen after having obtained leave, presented a bill to amend an act entitled An act to organize circuit courts and defining their powers and duties, which was read the first time and passed to a second reading to-morrow.

Mr. Keen also, after having obtained leave, presented a bill to amend the act regulating the taking up of animals going estray, and water craft and other articles of value adrift; which was read the first time and passed to a second reading to-morrow.

The bill authorizing the commissioners on the state road from Lawrenceburgh to Indianapolis to apply certain monies therein named, was read the second time and committed to a committee of the whole House to-morrow.

The bill authorizing John W. Cox, to build a mill dam across the west fork of White river, was read the second time and ordered to be engrossed and read a third time on Tuesday next.

The bill to encourage agriculture and manufactures, was read the second time and committed to a committee of the whole House on Monday next.

The joint resolution of the General Assembly relative to purchasers of public lands, from the Senate, was read the second time, and,

On motion of Mr. Palmer,

*Ordered* to lie on the table.

The engrossed bill from the Senate, relative to the agent of the three per cent. fund, was read the second

time and committed to a committee of the whole House to-morrow.

The engrossed bill from the Senate, for the relief of Jonathan Gifford and others, was read the second time and ordered to a third reading to-morrow.

The House dispensed with the orders of the day for the present.

On motion of Mr. Palmer,

The resolution heretofore laid on the table relative to selling the seminary lands in Gibson and Monroe counties, was taken up.

Mr. Sweetser moved to amend said resolution by striking out "Monroe county."

Whereupon,

On motion of Mr. Beckes,

The further consideration of said resolution was indefinitely postponed.

The House resumed the orders of the day.

The bill making an appropriation for building a fire proof house to contain the office of the Secretary of State, and the office of the Clerk of the Supreme Court, was read the second time and committed to a committee of the whole House and made the order of the day for to-morrow.

The bill to amend the act, entitled An act to locate seats of justice in new counties, was read a second time and committed to a committee of the whole to-morrow.

The House now resolved itself into a committee of the whole, on the bill to authorize the leasing of a reserved section of land in the county of Washington, including Rice's lick,

Mr. Child in the chair,

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Child reported the said bill with an amendment, which was read and concurred in by the House.

*Ordered*, That the said bill be engrossed and read a third time to-morrow.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, DECEMBER 22d, 1825.

The House met pursuant to adjournment.

Mr. Hannah presented a petition of John Arbuthnot and others, of Gibson county, praying authority to appropriate the seminary fund of said county for the purpose of building a seminary in said county; which was read and referred to the committee on education.

Mr. Sweetser presented a petition of John Berry and others, of Madison county, securities of Moses Cox, clerk of said county, praying certain relief therein named; which was read and referred to a select committee of Messrs. Sweetser, Paxton and Claypool.

Mr. Posey, from the select committee to whom was referred the petition of Jane Martin, of Harrison county, reported a bill divorcing the said Jane from her husband, John Martin; which was read the first time.

Thereupon,

Mr. Sweetser moved to reject said bill, which was carried in the affirmative.

So said bill was rejected.

Mr. Rose, from the select committee to whom was referred the petition of Israel Hamilton and others, of Union county, reported a bill authorizing the agent of said county, to sell part of the public square in the town of Liberty; which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Hannah,

*Resolved*, That the standing committee on roads be instructed to report a bill providing for reducing the commissioners of the several state roads in this state from their present number to one commissioner for each road.

On motion,

Mr. Stewart was added to the committee on the navigation of the White rivers.

The Speaker laid before the House the following communication from W. H. Lilly, Auditor of Public Accounts, in pursuance of a resolution of this House, to wit:

AUDITOR'S OFFICE, Dec. 22, 1825.

To the Honorable the Speaker of the

House of Representatives,

SIR—In compliance with a resolution of the House of Representatives requiring of this department, a schedule of the quantity of land, the rate thereof, and the tax charged thereon, in the different counties within the state for the year 1825, I have the honour herewith to make the following report:

| COUNTIES.    | 1st Rate. | 2d Rate. | 3d Rate. | Amount of Tax.        |
|--------------|-----------|----------|----------|-----------------------|
| Allen,       |           |          |          | Poll tax \$ 75 00     |
| Clark,       | 9,511     | 78,024   | 85,900   | Am't of tax, 2,060 30 |
| Crawford,    | 331       | 16,573   | 10,010   | do. do. 413 95        |
| Bartholomew, |           |          |          | Poll tax, 269 50      |
| Daviess,     | 2,879     | 37,086   | 16,520   | Am't of tax, 702 09   |
| Dearborn,    | 10,124    | 38,850   | 127,435  | do. do. 2,311 20      |
| Decatur,     |           |          |          | Poll tax, 301 00      |
| Dubois,      | 210       | 17,025   | 3,010    | Am't of tax, 299 26   |
| Fayette,     | 1,855     | 29,048   | 35,031   | do. do. 986 35        |
| Floyd,       | 3,538     | 22,665   | 34,876   | do. do. 450 04        |
| Franklin,    | 11,138    | 89,377   | 45,258   | do. do. 1,855 93      |
| Gibson,      | 19,510    | 48,284   | 80,616   | do. do. 1,004 56      |
| Greene,      |           |          |          | Poll tax, 456 81      |
| Hamilton,    |           |          |          | do. do. 38 00         |
| Hendricks,   |           |          |          | do. do. 91 00         |
| Harrison,    | 1,835     | 35,910   | 129,431  | Am't of tax, 1,987 21 |
| Henry,       |           |          |          | Poll tax, 202 50      |
| Jackson,     | 2,255     | 39,546   | 14,795   | Am't of tax, 709 18   |
| Jefferson,   | 4,051     | 52,812   | 73,865   | do. do. 1,793 86      |
| Jennings,    | 504       | 38,780   | 56,000   | do. do. 667 71        |
| Johnston,    |           |          |          | Poll tax, 124 50      |
| Knox,        | 9,658     | 59,472   | 68,816   | Am't of tax, 1,492 74 |
| Lawrence,    | 341       | 57,780   | 26,475   | do. do. 1,064 00      |
| Madison,     |           |          |          | Poll tax, 90 00       |
| Marion,      |           |          |          | do. do. 315 00        |
| Martin,      | 1,850     | 25,143   | 582      | Am't of tax, 359 12   |
| Monroe,      | 1,263     | 36,849   | 10,146   | do. do. 776 29        |
| Montgomery,  |           |          |          | Poll tax, 148 00      |
| Morgan,      |           |          |          | do. do. 160 00        |
| Orange,      | 380       | 51,458   | 36,095   | Am't of tax, 1,149 80 |
| Owen,        | 1,658     | 7,665    | 13,630   | do. do. 347 68        |
| Parke,       | 11,942    | 9,549    | 1,100    | do. do. 490 53        |
| Perry,       | 10,274    | 9,096    | 8,073    | do. do. 430 93        |
| Pike,        | 4,457     | 21,800   | 3,540    | do. do. 409 21        |
| Posey,       | 2,954     | 56,553   | 35,876   | do. do. 1,118 21      |
| Putnam,      |           |          |          | Poll tax, 237 60      |
| Randolph,    | 490       | 27,412   | 14,080   | Am't of tax, 572 95   |
| Ripley,      | 1,259     | 42,717   | 10,348   | do. do. 806 73        |
| Rush,        |           |          |          | Poll tax, 357 50      |
| Scott,       | 1,232     | 47,545   | 13 598   | Am't of tax, 715 76   |
| Shelby,      |           |          |          | Poll tax, 242 50      |
| Spencer,     | 7,487     | 17,583   | 15,818   | Am't of tax, 511 93   |
| Sullivan,    | 754       | 37,714   | 17,082   | do. do. 774 96        |
| Switzerland, | 6,532     | 86,774   | 16,576   | do. do. 1,429 96      |
| Union,       | 240       | 44,008   | 36,060   | do. do. 1,094 82      |
| Vanderburgh, | 4,291     | 21,904   | 11,805   | do. do. 479 48        |
| Vermillion,  | 320       | 14,462   | 1,000    | do. do. 327 36        |
| Vigo,        | 33,033    | 16,541   | 1,366    | do. do. 1,451 32      |
| Warrick,     | 1,378     | 22,259   | 2,180    | do. do. 457 81        |
| Washington,  | 811       | 79,130   | 83,145   | do. do. 2,006 85      |
| Wayne,       | 7,857     | 76,147   | 104,698  | do. do. 2,503 47      |

Which being read,

On motion of Mr. Palmer,

*Ordered*, That 250 copies of said report be printed for the use of this House.

Mr. Gard presented the following resolution, to wit:

*Resolved*. That the apportionment committee be and they are hereby instructed to report a bill to this House providing for the apportionment of Representatives and Senators, giving the same number of Senators and Representatives to the old counties that they now have, and to increase the number of Senators and Representatives in the new purchase as they may deem just and reasonable.

Which being read,

On motion of Mr. Hannah,

The same was ordered to lie on the table.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they did on this day present to the Governor, for his approval and signature,

“An act requiring the Secretary of State to procure a letter book for the use of this state.”

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The Senate concur in the report of the joint committee of free conference, on the disagreeing votes of the two houses relative to an amendment proposed by the Senate to the bill from this House for the relief of Benjamin F. Barker and Henry Waggoner.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills of the following titles, to wit:

“An act providing for contesting the election of Governor and Lieutenant Governor;”

“An act for the benefit of Alexander Dick,” and

“An act for the relief of Benjamin F. Barker and Henry Waggoner,”

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Keen, after having obtained leave, presented a bill to amend an act, entitled An act to license and regulate taverns; which was read the first time and passed to a second reading to-morrow.

Mr. Keen, also, after having obtained leave, presented a bill to amend the act regulating interest on money in the state of Indiana; which was read the first time and passed to a second reading to-morrow.

Mr. Sims after having obtained leave, presented a bill to amend the act to incorporate Medical Societies, and providing for the practice of physic and surgery therein, which was read the first time.

Whereupon,

Mr. Claypool moved to reject said bill, which was decided in the negative.

*Ordered*, That said bill be read a second time to-morrow.

Mr. Fitzgerald after having obtained leave, presented a bill to amend the act entitled, An act to regulate the militia of the state of Indiana; which was read the first time and passed to a second reading to-morrow.

Mr. Craig presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of repealing all laws imposing a fine to a greater amount than three dollars, for the non compliance with the provisions of the militia law of this state; and whether all laws imposing a fine in such cases without the intervention of a jury, be not contrary to the fifth section of the first article of the constitution of this state.

Mr. Palmer moved to add the following as an amendment: "And also, the expediency of repealing so much of the militia law as imposes a fine on privates for the lack of uniforms or equipments, except in volunteer companies.

On motion of Mr. Pepper,

Said resolution and amendment were laid on the table.

Mr. Pepper from the select committee to whom was recommitted the bill for the relief of revolutionary soldiers, reported the same with an amendment, which was read and adopted by the House. And,

On motion,

Said bill was recommitted to a committee of the whole House to-morrow.

Mr. Reed presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee on military affairs be, and they are hereby instructed to enquire into the propriety of so amending the law on that subject, as to authorize the holding elections for field officers in company districts.

Mr. Claypool moved to amend the same by striking out "company" in the last line, and insert "battalion," which was determined in the negative.

Said resolution was then read and rejected by the House.

The House proceeded to consider the orders of the day.

The bill to amend the act entitled An act regulating the taking up of animals going estray, and water craft and other articles of value adrift; was read a second time and committed to a committee of the whole House to-morrow.

The bill to amend the act entitled An act organizing circuit courts and defining their powers and duties, was read a second time and committed to a committee of the whole House to-morrow.

The engrossed bill from the Senate entitled An act for the relief of several persons therein named; was read a second time.

Whereupon,

Mr. Robertson moved to indefinitely postpone the further consideration thereof; which was determined in the negative. And,

On motion,

The same was committed to a committee of the whole House to-morrow.

The bill to repeal part of the 80th section of the act



relative to crimes and punishment, was read a second time and committed to a committee of the whole House on Saturday next.

The bill to authorize Jacob Caylor to dig a mill race through part of school section No. 16, township No. 16, range 12, in Wayne county; was read a second time and committed to a committee of the whole House to-morrow.

The engrossed bill for the relief of Philip Brisco; the engrossed bill to amend the act entitled An act prescribing the mode of changing the venue, approved, January 28th, 1824; the engrossed bill to amend the act declaring certain streams therein named public highways, approved, January 26th, 1824; the engrossed bill to improve the navigation of Laughery creek; and the engrossed bill giving certain powers to the administrator of Eliza Stewart deceased; were severally read a third time and passed.

*Ordered*, That the same be entitled "Acts," and that the Senate be informed thereof, and their concurrence therein requested.

The engrossed bill authorizing the sale of a house and lot belonging to the estate of Moses Kirkpatrick deceased, was read a third time. And,

On the question being put, shall said bill pass? it was decided in the negative.

So said bill did not pass.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the bill to repeal an act for the relief of Claudius G. Brown, approved, January 26th, 1824, and part of an act entitled An act supplemental to an act establishing a county seminary in the county of Knox, approved, February 12th, 1825,

Mr. Clendenin in the chair,

After some time spent therein the Speaker resumed

the chair, and Mr. Clendenin reported said bill without amendment.

Said bill was ordered to be considered as engrossed, read a third time and passed.

*Ordered.* That the same be entitled "An act," and that the clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole on the bill to incorporate the Blue Spring Community.

Mr. Walker in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Walker reported said bill with one amendment, which was by striking out the first section thereof.

Mr. Gray moved to postpone the further consideration of said bill indefinitely, and the ayes and noes being demanded thereon by two members, are as follows, to wit:

*Those who voted in the affirmative are.*

Messrs. Baird, Beckes, Blair, Boon, Child, Claypool, Clendenin, Craig, Daniel, Gard, Gray, Guion, Hannah, Hillis, Howk, Jackson, Johnson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams and Worth—40.

*And those who voted in the negative are,*

Messrs. Fitzgerald, Ketcham and Evans, speaker—3.

So said bill was indefinitely postponed.

The engrossed bill from the Senate, entitled An act for the formation of the county of Tippecanoe, was read a third time as amended and passed.

*Ordered.* That the clerk inform the Senate and ask their concurrence in said amendment.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill which originated in this House, entitled An act for the formation of a new county out of the counties of Montgomery and Wabash, with three amendments, in which they desire the concurrence of this House.

Said amendments being read, the House disagreed to their first and third amendments, but concur in the second amendment with an amendment.

*Ordered,* That the Senate be informed thereof, and their concurrence requested

The engrossed bill from the Senate entitled An act for the relief of William Reed, was read a third time.

And on the question being put, shall said bill pass? it was determined in the negative: the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Clendenin, Daniel, Gard, Guion, Hannah, Hillis, Jackson, Keen, Ketcham, Lewis of Franklin, Palmer, Paxton, Posey, Riley, Robertson, Rose, Stewart, Walker, Wallace, Williams and Evans, speaker—21.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Craig, Fitzgerald, Gray, Hawk, Johnson, Lemon, Lewis of Wayne, Lomax, Moffatt, Paddacks, Pepper, Reed, Richardson, Stanford, Sweetser and Worth—23.

So said bill did not pass.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

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FRIDAY MORNING, DECEMBER 23d, 1825.

The House met pursuant to adjournment.

Mr. Walker, from the select committee to whom was

referred the petition of sundry citizens of Jennings, Jefferson and Scott counties, on that subject, reported a bill to improve the navigation of the Muscatituck rivers; which was read the first time and passed to a second reading to-morrow.

Mr. Palmer, from the select committee to whom was referred the subject of the apportionment of Senators and Representatives, reported a bill for the apportionment of Senators and Representatives to the General Assembly of this state; which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Hannah,

*Ordered*, That two hundred and fifty copies of said bill be printed for the use of this House.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they did on this day present to the Governor for his approval and signature,

“An act for the relief of Alexander Dick,”

“An act for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes,” and

“An act providing for contesting the election of Governor and Lieutenant Governor.”

All of which originated in this House.

On motion of Mr. Lewis, of Franklin,

*Resolved*, That the committee on the Jeffersonville canal be instructed to enquire into the expediency of an investigation with regard to the conduct of the managers of the Jeffersonville and Ohio Canal Lottery, and report thereon.

Mr. Ketcham presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee of ways and means be required to examine into the propriety of exempting from taxation all work cattle employed in working on inclined wheel machinery.

Mr. Baird moved to amend the same by adding “and horses” after the word “cattle,” which was not adopted.

Mr. Palmer then moved to indefinitely postpone the further consideration of said resolution, which was carried in the affirmative.

Mr. Wallace presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee of ways and means be, and they are hereby instructed to enquire into the propriety of reporting a bill to this House reducing the tax on 1st, 2d and 3d rate land; and also on polls, subject to taxation.

On motion of Mr. Beckes,

The same was amended by striking out 1st, 2d and 3d rate land.

Mr. Worth moved further to amend the same by striking out the words "polls subject to taxation."

And on motion of Mr. Howk,

Said resolution was ordered to lie on the table.

The House proceeded to consider the orders of the day.

The bill to improve the navigation of the east fork of Whitewater river; and the bill to authorize the sale of part of the public square in the town of Liberty, in the county of Union; were read a second time and committed to a committee of the whole House to-morrow.

A message from the Senate by Mr. Farnham their assistant secretary:

*Mr. Speaker*,

The Senate have receded from their first and third amendments made by them to the bill for the formation of a new county out of the counties of Montgomery and Wabash, but disagree to the amendment made by this House to the second amendment made by the Senate to said bill. And they disagree to the first and second amendment made by this House to the bill from the Senate for the formation of the county of Tippecanoe, but concur in the third and fourth amendments made by this House to said bill.

On motion,

*Resolved*, That this house recede from their amendment proposed to the amendment of the Senate to the bill from this House for the formation of a new county out of the counties of Montgomery and Wabash. And,

On motion,

*Resolved*, That this House insist on their first and

second amendments proposed to the bill from the Senate for the formation of the county of Tippecanoe.

*Ordered*, That the clerk inform the Senate thereof.

The bill to amend the act regulating interest on money in the state of Indiana, approved, January 21st, 1818; was read a second time.

Whereupon,

Mr. Boon moved to indefinitely postpone the further consideration thereof; and the ayes and noes being demanded thereon by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Boon, Child, Clendenin, Daniel Fitzgerald, Gray, Haunah, Hillis. Howk, Jackson, Johnson, Ketcham, Lemon, Lewis of Wayne, Lomax, Moffatt, Paddacks, Paxton, Pepper, Posey, Richardson, Riley, Robertson, Rose, Stanford, Stewart, Sweetser, Walker, Wallace, Williams, Worth and Evans, speaker—34.

*And those who voted in the negative are,*

Messrs. Blair, Burnett, Claypool, Craig, Gard, Guion, Keen, Lewis of Franklin, Palmer, Reed and Sims—11.

So the further consideration of said bill was indefinitely postponed.

The bill to amend the act, entitled An act to license and regulate taverns, was read a second time and ordered to be engrossed and read a third time to morrow.

The bill to amend the act, entitled An act to regulate the militia of the state of Indiana, approved. January 20th, 1824, was read a second time, and ordered to lie on the table.

The bill to amend the act, entitled An act to incorporate Medical Societies, for the purpose of regulating the practice of physic and surgery in this state, approved, February 12th, 1825, was read a second time:

And on motion of Mr. Sims,

Said bill was committed to a select committee of Messrs. Sims, Richardson, Boon. Beckes and Howk.

The House resolved itself into a committee of the

whole on the engrossed bill from the Senate, entitled  
An act relative to the agent of the three per cent. fund,

Mr. Wallace in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Wallace reported progress and asked leave to sit again.

Which leave was accordingly granted by the House.

A message from the Governor by Mr. W. R. Morris, his private secretary:

*Mr. Speaker,*

I am directed by the Governor to inform this House that he did on the 22d inst. approve and sign,

“An act legalizing the marriage of William Wright, of Floyd county.”

Which originated in the House of Representatives.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

The House again resolved itself into a committee of the whole on the bill from the Senate relative to the agent of the three per cent. fund,

Mr. Wallace in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Wallace reported said bill with several amendments, which were read and concurred in by the House.

The engrossed bill authorizing the surviving administratrix of the estate of Harvey Heth, deceased, to sell and convey real estate; the engrossed bill for the relief of the heirs of Benjamin Warner, deceased; the engrossed bill to amend the act, entitled An act organizing the supreme court and defining its powers and duties; the engrossed bill providing for removing the obstructions in the river Patoka; and the engrossed bill to provide for a more certain return of votes for Governor and Lieutenant Governor; were severally read a third time and passed.

*Ordered,* That the same be entitled “Acts,” and that

the clerk carry the same to the Senate and ask their concurrence therein.

The engrossed joint resolution relative to the National road from Wheeling to the Mississippi, was read a third time and passed.

*Ordered*, That the Clerk carry the same to the Senate, and ask their concurrence therein.

The joint resolution relative to the agent of the three per cent. fund, from the Senate, was read a third time and passed without amendment.

*Ordered*, That the Clerk inform the Senate thereof.

The House resolved itself into a committee of the whole, on the bill making an appropriation for the purpose of building a fire proof house to contain the offices of the Secretary of State and Clerk of the Supreme Court,

Mr. Williams in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Williams reported progress, and asked leave to sit again.

Which leave was refused by the House. And,

On motion of Mr. Palmer,

Said bill was recommitted to the standing committee on the affairs of Indianapolis.

The House resolved itself into a committee of the whole, on the bill to amend the act entitled An act to locate seats of justice in new counties.

Mr. Worth in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Worth reported said bill with several amendments.

Mr. Moffatt then moved to indefinitely postpone the further consideration of said bill; which was carried in the affirmative.

The ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Boon, Burnett, Clendenin, Craig, Fitzgerald, Gray, Guion, Johnson, Ketcham, Lemon, Lewis of Franklin, Moffatt, Paddacks, Palmer, Reed,



Richardson, Sims, Stewart, Sweetser, Walker, Williams and Worth—23.

*And those who voted in the negative are,*

Messrs. Child, Claypool, Daniel, Gard, Hannah, Hillis, Jackson, Keen, Lewis, of Wayne, Lomax, Paxton, Pepper, Posey, Riley, Robertson, Rose, Stanford, Wallace and Evans, speaker—19.

So said bill was indefinitely postponed.

On motion,

Messrs. Sims and Robertson have leave of absence from this House until Tuesday next.

On motion of Mr. Hillis,

The House dispensed with the further consideration of the orders of the day for the present.

Mr. Reed moved, that this House reconsider their vote of yesterday on the passage of the bill from the Senate, entitled "An act for the relief of William Reed."

Whereupon,

Mr. Sweetser moved that this House adjourn until to morrow morning nine o'clock, which was determined in the negative.

The Speaker laid before the House the following statement of the situation of the three per cent. fund, from Christopher Harrison, the agent, which was read and ordered to be spread on the journal; to wit:

*A statement of the situation of the 3 per cent. fund, Dec. 1, 1825.*

| ROAD COMMISSIONERS—PRESIDENTS FIRST NAMED.             | Apportionment to each road. | Drafts paid.   | Bal'ces due.  |
|--|-----------------------------|----------------|---------------|
|  | Dolls. Cts.                 | Dolls. Cts.    | Dolls. Cts.   |
| 2. John J. Neely, Samuel Emmerson, James Wasson,       | 5,678 96                    | 5,678 96       |               |
| 3. Archibald Campbell, James Robb, John Case,          | 2,066 45                    | 2,066 45       |               |
| 4. Andrew Cavitt, Thomas Givens, James Smith,          | 2,067 05                    | 2,065 16       | 1 89          |
| 5. Isaac Montgomery, G. W. Tewatt, William Barker,     | 2,349 00                    | 2,349 00       |               |
| 6. William M'Cornick, Benj. Stafford, Willis Traylor,  | 4,017 70                    | 3,887 81 3-4   | 129 88 1-4    |
| 7. Michael Buskirk, Samuel Snyder, Jos. D. Clements,   | 3,624 49                    | 3,299 39 1-2   | 325 09 1-2    |
| 8. Samuel Chambers, John Anderson, Thomas Posey,       | 5,637 55                    | 5,637 13 1 3   | 41 2-3        |
| 9. William Baird, Geo. W. Boon, Richard Beam,          | 6,342 08                    | 6,342 08       |               |
| 10. Hugh M'Pheeters, Seth Woodruff, William Richards,  | 2,060 00 1-6                | 2,060 00 1-6   |               |
| 11. John G. Clendenin, John M'Donald, Maurice Morris,  | 3,859 50                    | 3,491 13 2-3   | 458 36 1-3    |
| 12. William P. Twilley, Joel Combs, R. H. Murray,      | 1,950 70                    | 1,812 46       | 78 24         |
| 13. Jno. M. Lemon, Benj. Ferguson, William Marshall,   | 2,320 02                    | 1,955 17 2-3   | 364 84 1-3    |
| 14. William Plasket, James Ward, William Reddick,      | 2,165 18                    | 1,926 82 7-12  | 238 35 5-12   |
| 15. Joshua Wilkinsou, Wm. C. Bramwell, J. Grover,      | 4,458 07                    | 4,458 07       |               |
| 16. Simeon Slawson, Joseph Malin, A. W. Stewart,       | 2,259 99                    | 2,258 77 7-12  | 1 21 5-12     |
| 17. Stephen Ludlow, Timothy Davis, John Walker,        | 4,520 02                    | 3,855 52       | 664 50        |
| 18. Samuel Shirk, David Mount, John Davis,             | 3,113 45                    | 3,105 93 2-3   | 7 51 1-3      |
| 19. Zachariah Ferguson, John Perryn, Sol. Royster,     | 3,032 69                    | 3,008 86 5-6   | 23 80 1-6     |
| 20. J. C. Kibby, Israel Abrams, Patrick Beard,         | 2,992 31                    | 2,992 31       |               |
| 21. John Way, Jesse Moorman, Joshua Foster,            | 1,907 37                    | 1,907 37       |               |
| 22. James Blake, J. M. Coleman,                        | 892 89                      | 690 10 1-2     | 202 78 1-2    |
| 23. James Lewis, John Barricklow, Samuel Purcell,      | 713 64                      | 713 64         |               |
| 24. William Ballow, Peter Amerman, Franklin F. Sawyer, | 420 60                      | 420 07 1-2     | 52 1-2        |
| 25. Wabash Fund,                                       | 1,079 98                    | 147 34         | 932 64        |
| 26. Robert M'Intire, James M'Kinney, Absalom Sargeant, | 211 08 5-6                  |                | 211 08 5-6    |
| 27. John Cassidy, John Riggs,                          | 1,050 96                    | 908 15 2-3     | 142 80 1-3    |
| 28. Thomas Bradford, James Ball, Philip Hart,          | 259 67                      | 259 67         |               |
| 29. William Sanders,                                   | 152 05                      | 152 05         |               |
| William Polk, (Special appropriation,)                 | 114 00                      | 114 00         |               |
|  | 71,317 46                   | 67,533 50 5-12 | 3,783 95 7-12 |

Received from the U. S Treasury, June 1822, \$32,629 46

May 1823, 17,857 84

March 1824, 11,462 73

April 1825, 10,798 09

\$ 72,748 12

Retained to meet Agent's commission, - - - 1,430 66

Apportioned to the different roads, - - - \$71,317 46

Cash received, - - - \$72,748 12

Paid commissioners drafts, to wit:

Quietus for - - - \$56,064 28 5-6

Paid since, and now reported, - - - 10,869 21 7-12

\$67,533 50 5-12

My commission on \$67,533 50 5-12, - - - 1,350 67

68,884 17 5-12

Balance remaining in my hands, - - - \$4,863 94 7-12

CHRISTOPHER HARRISON, *Agent for the 3 per cent. fund.*

Salem, December 1st, 1825.

On motion of Mr. Palmer,  
The House adjourned until to-morrow morning, 9  
o'clock.

SATURDAY MORNING, DECEMBER 24th, 1825.

The House met pursuant to adjournment.

Mr. Blair presented a petition of Solomon Simmons & others of Parke & Vigo counties, praying a repeal of the law delaring Big Raccoon creek, from its mouth to Roseville, a navigable stream; and also, the remonstrance of Robert Mitchell and others of Parke county, against the prayer of said petition; which was read and referred to a select committee of Messrs. Blair, Beckes and Boon.

Mr. Rose presented a remonstrance of sundry citizens of Union county, against selling any part of the public square in the town of Liberty in said county, which was read and referred to the same committee of the whole to which was referred the bill on that subject.

Mr. Keen, from the committee on military affairs, reported, that they have had the petition of John Melford and others of Harrison county, members of the "Corydon Independent Artillery Company," under consideration, and after duly weighing the reasons alleged by the petitioners for the proposed amendments of the Militia law, are of opinion that the prayer of the petitioners is unreasonable and ought not to be granted.

Which being read, was concurred in by the House.

Mr. Keen from the standing committee on the affairs of Indianapolis to whom was recommitted the bill making an appropriation for building a fire proof house to contain the offices of the Secretary of State and clerk of the supreme court, reported the same with a substitute; which being twice read, was committed to a committee of the whole House on Monday next.

Mr. Palmer from the standing committee on the affairs

of Indianapolis, to whom was referred a petition of sundry citizens of the town of Indianapolis, reported a bill for the relief of purchasers of lots in said town, which was read the first time and passed to a second reading on Monday next.

Mr. Palmer from the same committee to whom was referred a resolution of this House on that subject, reported a bill to authorize the lessee of the ferry across White river, near Indianapolis, to erect a dwelling house on said premises; which was read the first time and passed to a second reading on Monday next.

Mr. Lewis of Franklin from the select committee to whom was referred the petitions of J. W. Johnson and others, and David Wallace and others of Franklin county, reported a bill legalizing the proceedings of the school trustees of congressional township No. 9, range 2 west, in Franklin county, which was read the first time and passed to a second reading on Monday next.

Mr. Rose from the select committee to whom was referred the petitions of sundry citizens of Wayne, Union and Henry counties, on that subject, reported a bill to establish a state road from Liberty in Union county, to New Castle in Henry county, which was read the first time and past to a second reading on Monday next.

Mr. Hawk from the select committee to whom was referred that part of the message of the Governor, which relates to the establishment of a canal around the falls of Ohio at Jeffersonville, reported a bill to provide for opening a canal around the falls of the Ohio at Jeffersonville; which was read the first time and passed to a second reading on Monday next.

On motion of Mr. Pepper,

*Resolved*, That the public printer be directed to print two hundred and fifty copies of said bill for the use of this House.

On motion of Mr. Sweetser,

The House resolved itself into a committee of the whole on the bill appointing commissioners to re-locate the seat of justice of Madison county,

Mr. Lewis, of Franklin, in the chair,

After some time spent therein the Speaker resumed

the chair, and Mr. Lewis of Franklin reported said bill with one amendment; which was by striking said bill out from its enacting clause, and adopting a substitute.

On motion of Mr. Worth,

Said bill was further amended by striking out the name of "Jesse Reddick, of Bartholomew county," and inserting the name of "William Smith, of Randolph county."

The amendment made in committee of the whole, as amended, was then read at the clerk's table and concurred in by the House.

*Ordered*, That said bill be engrossed and read a third time on Monday next.

Mr. Moffatt, after having obtained leave, presented a bill for the organization of a board of commissioners for the purpose of internal improvement; which was read the first time and passed to a second reading on Monday next.

A message from the Governor by Mr. Morris, his private secretary:

*Mr. Speaker,*

I am directed by the Governor to inform this House that he did on the 22d inst. approve and sign,

"An act authorizing the Secretary of State to procure a letter-book for the use of this state,"

Which originated in the House of Representatives.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill entitled An act to amend the act entitled an act declaring certain streams therein named public highways; an engrossed bill entitled An act to improve the navigation of Laughery creek, and an engrossed bill entitled An act legalizing the proceedings of the board of justices of Vermillion and Hamilton counties for the year 1825, without amendment; all of which originated in this House.

The engrossed bill from the Senate relative to the agent of the three per cent. fund, as amended, was ordered to lie on the table.

The House proceeded to consider the orders of the day.

The bill to improve the navigation of the Muscatituck rivers was read a second time, and ordered to be engrossed and read a third time on Monday next.

The engrossed bill to authorize the leasing of a reserved section of land in Washington county including Rice's lick; and the engrossed bill from the Senate, for the relief of William Youse, were read a third time and passed, the latter without amendment.

*Ordered*, That the first named bill be entitled "An act," and that the clerk carry said bills to the Senate, and ask their concurrence in the first named bill.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

The engrossed bill from the Senate, for the relief of Jonathan Gifford and others, was read a third time,

And, on motion of Mr. Clendenin,

Said bill was amended by consent of this House, by striking out the name of "Alexander" and inserting "Abraham."

And on the question, Shall said bill pass as amended? it passed in the affirmative.

*Ordered*, That the clerk carry the same to the Senate and ask their concurrence in said amendment.

The House resolved itself into a committee of the whole on the bill to authorize Jacob Caylor to dig a mill race through part of school section no. 16, township no. 16, range 12 east, in Wayne county,

Mr. Beckes in the chair,

After some time spent therein, the Speaker resumed the chair and Mr. Beckes reported said bill without amendment.

*Ordered*, That the same be engrossed and read a third time on Monday next.

The House resolved itself into a committee of the whole on the bill to authorize the commissioners on the

state road leading from Lawrenceburgh to Indianapolis, to appropriate certain monies therein named,

Mr. Blair in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Blair reported said bill with one amendment, which was by striking out the first section thereof.

On the question being put, will the house concur in said amendment? it was carried in the affirmative; and the ayes and noes being demanded thereon by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Fitzgerald, Gard, Hawk, Johnson, Keen, Ketcham, Lewis of Franklin, Lewis, of Wayne, Lomax, Moffatt, Paddacks, Paxton, Reed, Riley, Rose, Stanford, Stewart, Sweetser, Walker, Worth and Evans, speaker—28.

*And those who voted in the negative are,*

Messrs. Beckes, Daniel, Gray, Guion, Hannah, Hillis, Jackson, Lemon, Palmer, Pepper, Posey, Richardson, Wallace and Williams—14.

So said amendment was concurred in by the House.

And on motion of Mr. Craig,

The further consideration of said bill was indefinitely postponed.

Mr. Burnett from the joint committee for enrolled bills reported:—That they have compared the enrolled with the engrossed bill, entitled An act for the formation of a new county out of the counties of Montgomery and Wabash, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered,* That the clerk carry the same to the Senate for the signature of their President.

Whereupon,

The House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, DECEMBER 26th, 1825.

The House met pursuant to adjournment.

Mr. Hannah presented a petition of William French and others, of Gibson county, praying that the seminary fund of said county may be appropriated to the erection of a seminary in said county; which was read and referred to the committee on education.

Mr. Worth presented a petition of William Stansbury and others, of Delaware county, praying the formation of a new county out of the bounds of said county; which was read and referred to a select committee of Messrs. Worth, Stanford and Lewis of Wayne, with leave to report by bill or otherwise.

Mr. Fitzgerald presented a petition of Charles S. Ashworth and others, members of the New Harmony Society, praying authority to form themselves into a separate battalion with regimental privileges; which was read and referred to the committee on military affairs.

Mr. Palmer submitted the following report, to wit:

*Mr. Speaker,*

The select committee to whom was referred the bill to amend the act, entitled An act relative to county boundaries, approved, January 31st, 1824, with instructions to make a calculation and estimate of the number of square miles contained in Franklin county, have performed that duty and now report, that the county of Franklin contains four hundred and thirty nine square miles, according to the best calculation your committee can make. All of which is respectfully submitted.

Which being read was concurred in by the House.

On motion of Mr. Sweetser, the House took up the following resolution, to wit:

*Resolved,* That the committee of impeachments be instructed to examine the list of witnesses relative to Isaiah Cooper's case, and if practicable to curtail their number; and

On motion of Mr. Sweetser,

The further consideration of said resolution was indefinitely postponed.



Mr. Fitzgerald presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of authorizing the major-generals of divisions in this state, to organize independent battalions of uniformed companies within their respective divisions; which battalions, when organized, shall exercise and enjoy all the privileges of a regiment; and in case the committee shall deem improper a general provision of the above kind, that they provide a special provision for the militia now residing in New Harmony, in Posey county.

On motion of Mr. Pepper,

Said resolution was so amended as to strike out that part which relates to a special provision for the militia at New Harmony.

Said resolution as amended, was then read and adopted by the House.

Mr. Boon presented to the House a report of John Law, prosecuting attorney in the first judicial district, relative to the seminary fund in Sullivan county; and also a communication from the clerk of said county, which was read and referred to the committee on education.

The Speaker laid before the House a report of the trustee of the seminary fund of Putnam county, which was read and referred to the last named committee.

Mr. Stewart, after having obtained leave presented a bill to amend the act regulating the jurisdiction and duties of justices of the peace, approved, January 26th, 1825; which was read the first time and passed to a second reading to-morrow.

Mr. Howk, from the select committee to whom was referred the charges of Henry Dougherty, against Adlai Campbell, justice of the peace of Orange county, reported the following articles of impeachment against said Adlai Campbell, to wit:

STATE OF INDIANA, ss.

Articles of impeachment exhibited by the House of Representatives, in the name of themselves and of the people of the state of Indiana, against Adlai Campbell, a justice of the peace in South-west township, in the county of Orange, and state aforesaid.

ARTICLE I That the said Adlai Campbell, then and there being an acting justice of the peace for South-west township, in the county of Orange and

state aforesaid, being duly elected, commissioned and qualified as such justice of the peace for the township, county and state aforesaid, he, the said Adlai, living and residing therein, has been and is guilty of corruption and oppression in the administration and under color of his said office.

*Specification 1st.* That the said Adlai Campbell, on the      day of      in the year of our Lord one thousand eight hundred and twenty-five, at South-west township, in the county of Orange, in the state aforesaid, while acting as such justice of the peace, did render judgment in favor of John Scarlett, against Henry Dougherty, in a certain case then and there pending before said Adlai, as justice of the peace, for the sum of twenty-eight dollars and some cents, with costs of suit; from which judgment the said Henry, (feeling himself aggrieved thereby,) prayed an appeal to the Circuit Court of said county of Orange, within thirty days from the rendition of the same: And the said Adlai, justice of the peace as aforesaid, did then and there wilfully and corruptly refuse to grant the said Henry an appeal from said judgment to the Circuit Court of said county of Orange; and the said Adlai, justice of the peace as aforesaid, did then and there, by virtue of and under color of his said office, and for the purpose of injuring, harrassing and oppressing him the said Henry, wilfully and corruptly exact and require of him the said Henry, bond with approved security in the sum of one thousand dollars, before he the said Adlai, would grant him the said Henry, an appeal from the judgment aforesaid; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

*Specification 2d.* That the said Adlai Campbell, on the      day of January, in the year of our Lord one thousand eight hundred and twenty-five, at South-west township, in the county of Orange, in the state aforesaid, while acting as such justice of the peace, did, after rendering final judgment in a certain cause then and there pending before him, as such justice of the peace, wherein John Scarlett was plaintiff and Henry Dougherty defendant, wilfully and corruptly in the administration and under color of his said office, for the purpose of injuring, harrassing and oppressing the said Henry, and of making costs for himself, swear eight persons, as witnesses in said cause, and taxed their costs, as witnesses, against him the said Henry; contrary to the form of the statute in such case made and provided and against the peace and dignity of the state of Indiana.

*Specification 3d.* That the said Adlai Campbell, on the      day of      in the year of our Lord one thousand eight hundred and twenty-five, at the township and county aforesaid, while acting as such justice of the peace, did render a judgment in a certain cause before him, in favor of Johnson Orton, against Henry Dougherty, and the said Henry, (feeling himself thereby aggrieved,) prayed an appeal from said judgment to the Circuit Court of the said county of Orange, and tendered and offered to give bond, with good and sufficient security, for the due prosecution of the appeal, according to law, within thirty days after the rendition of the judgment last aforesaid: and the said Adlai, justice of the peace as aforesaid, did then and there wilfully and corruptly refuse to grant the said Henry an appeal from said judgment: and the said Adlai, after said Henry had demanded an appeal and tendered bond as aforesaid, in the administration and under color of his said office, did wilfully and corruptly, for the purpose of harrassing and oppressing the said Henry, issue execution upon the said judgment, on which the property of the said Henry was taken and sold, to satisfy said judgment: So that the said Adlai, justice of the peace as aforesaid, in the administration and under color of his said office, has been and is guilty of oppression, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

ARTICLE II. That the said Adlai Campbell, then and there being an acting justice of the peace, within and for the county aforesaid, being duly elected, commissioned and qualified as such justice of the peace, has been and is guilty of barratry, to wit: at the county and state aforesaid.

*Specification.* That the said Adlai Campbell, on the first day of January:

In the year of our Lord one thousand eight hundred and twenty-five, and on divers other days and times from thence until the exhibiting of these articles, at the county of Orange, in the state aforesaid, while acting as such justice of the peace, did frequently excite and stir up quarrels, between the citizens of this state, at law: So that the said Adlai has been and is a common barrator, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

Which being read was concurred in by the House.

On motion of Mr. Howk,

*Resolved*, That the Speaker appoint managers on the part of this House, to prosecute said articles of impeachment at the bar of the Senate.

Whereupon,

Messrs. Howk, Sweetser, Craig, Gray and Fitzgerald were appointed managers.

On motion of Mr. Howk,

*Resolved*, That the Senate be informed that this House have preferred articles of impeachment against Adlai Campbell, a justice of the peace in Orange county, and that they have appointed Messrs. Howk, Sweetser, Gray, Craig and Fitzgerald, managers on the part of this House, and demand justice; that a day be set for hearing said case, and process issue to compel the attendance of said Adlai Campbell, to answer, &c. and as witnesses on the part of this House, Henry Dougherty, Michael Chase, John Dougherty, Samuel Cobb, Abraham Osborn, John Bush and Charles Sage, and William Hoggatt, clerk of Orange circuit court, to bring with him all the papers filed in his office in a certain appeal case, wherein John Scarlett is plaintiff, and Henry Dougherty is defendant.

*Ordered*, That Mr. Howk inform the Senate.

On motion of Mr. Palmer.

The resolution heretofore offered by Mr. Craig, relative to an inquiry by the committee on military affairs, into the constitutionality of imposing certain militia fines without the intervention of a jury, was taken up and adopted as amended.

On motion of Mr. Pepper,

The resolution heretofore offered by himself, instructing the committee on education to report a bill to authorize the trustees of school sections in each congressional township, after obtaining the consent of the inhabitants

of said township, to lease the same for a term not exceeding ninety nine years, was taken up.

And on the question being put, Shall said resolution be adopted? it was carried in the affirmative. And the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Blair, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gard, Jackson, Ketcham, Lemon, Lewis of Franklin, Lomax, Marshall, Paxton, Pepper, Reed, Richardson, Riley, Stanford, Walker, Worth and Evans, speaker—24.

*And those who voted in the negative are,*

Messrs. Beckes, Boon, Barnett, Guion, Hannah, Hawk, Johnson, Keen, Lewis of Wayne, Moffatt, Padlocks, Palmer, Posey, Rose, Stewart, Sweetser, Wallace and Williams—19.

So said resolution was adopted.

The House proceeded to consider the orders of the day:

The bill legalizing the proceedings of the school trustees of congressional township No. 9, range No. 2, in Franklin county, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The bill for the apportionment of senators and representatives to the General Assembly, was read a second time and committed to a committee of the whole House on Thursday next.

The bill to authorize the lessee of the ferry across White river, near Indianapolis, to erect a dwelling house on said premises, was read a second time and ordered to be engrossed and read a third time to-morrow.

The bill to establish a state road from Liberty in Union county, to New Castle in Henry county; and the bill for the organization of a board of commissioners for the purpose of promoting internal improvement; were read a second time and committed to a committee of the whole House to-morrow.

The bill for the relief of purchasers of lots in the town of Indianapolis, was read a second time and committed to a committee of the whole House on Wednesday next.

A message from the Senate by Mr. Farnham their assistant secretary.

*Mr. Speaker,*

The Senate have adopted the following resolution:

*Resolved,* That process issue against Adlai Campbell, a justice of the peace in and for the county of Orange, who has been impeached by the House of Representatives, for mal conduct in his said office, and subpoenas for witnesses to support said prosecution be immediately issued by the President of the Senate, and also, blank subpoenas to be furnished the accused for the purpose of compelling the attendance of his witnesses; which process is made returnable on the 9th day of January 1826; at which time the Senate will form themselves into a high court of impeachment to hear and determine said case. That said accused be furnished with a copy of the articles of impeachment preferred against him, and that the House of Representatives be informed of the passage of this resolution.

And the Senate has passed bills of the following titles from this House, without amendment, to wit:

An act authorizing the surviving administratrix of the estate of Harvey Heath, deceased, to sell and convey real estate.

An act providing for removing the obstructions in the river Patoka. And,

An act to provide for a more certain return of votes for Governor and Lieutenant Governor.

A message from the Governor by Mr. Morris, his private secretary:

*Mr. Speaker,*

I am directed by the Governor to inform this House, that he did on this day, approve and sign,

An act for the relief of Alexander Dick.

An act providing for contesting the election of Governor and Lieutenant Governor. And,

An act for the relief of Benjamin F. Barker and Henry Waggoner.

All of which originated in this House.

The House resolved itself into a committee of the

whole on the bill to encourage Agriculture and Manufactures,

Mr. Baird in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Baird reported progress, and asked leave to sit again.

Which leave was accordingly given by the House.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The House again resolved itself into a committee of the whole, on the bill to encourage Agriculture and Manufactures,

Mr. Baird in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Baird reported said bill with one amendment, which was by striking it out from its enacting clause.

And on the question being put, will the House concur in said amendment? it was carried in the affirmative: and the ayes and noes being called for by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Fitzgerald, Gray, Hannah, Jackson, Johnson, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Palmer, Posey, Reed, Riley, Rose, Stewart, Wallace, Williams and Evans, speaker—28.

*And those who voted in the negative are,*

Messrs. Baird, Craig, Daniel, Gard, Guion, Hillis, Hawk, Keen, Lemon, Paxton, Pepper, Richardson, Stanford, Sweetser, Walker and Worth—16.

So said amendment was concurred in by the House.

Mr. Child then moved to indefinitely postpone the further consideration of said bill. And,

On motion of Mr. Paxton,

Said bill was ordered to lie on the table.

The engrossed bill appointing commissioners to re

locate the seat of Justice of Madison county; the engrossed bill authorizing Jacob Caylor to dig a mill race through a part of a school section in Wayne county; and the engrossed bill to improve the navigation of the Muscatituck rivers; were severally read a third time and passed.

*Ordered*, That the same be entitled "Acts," and that the clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill to amend the act, entitled An act providing for the settlement of decedents' estates and for other purposes, approved, January 26th, 1824, and the amendment thereto;

Mr. Burnett in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Burnett reported progress and asked leave to sit again.

Which leave was accordingly given by the House.

Mr. Richardson from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills entitled,

An act legalizing the proceedings of the board of justices of Vermillion and Hamilton counties, for the year 1825.

An act to amend the act entitled An act declaring certain streams therein named public highways, approved, January 26th, 1824. And,

An act to improve the navigation of Laughery creek. And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, DECEMBER 27th, 1825.

The House met pursuant to adjournment.

Mr. Howk presented a petition of William W. Wick, of Marion county, praying remuneration for certain treasury notes lost by him; which was read and referred to a select committee of Messrs. Howk, Paxton and Daniel.

Mr. Gard, from the select committee to whom was referred petitions from sundry persons in Switzerland and Ripley counties on that subject, reported a bill to authorize the several townships in certain counties in this state to elect township officers; which was read the first time and passed to a second reading to morrow.

Mr. Richardson presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee of ways and means be requested to enquire into the propriety of amending the revenue law so as to exempt the members of independent companies of militia, who have equipped and uniformed themselves, from paying a poll tax.

On motion of Mr. Child,

Said resolution was so amended as to exempt all persons who equip and uniform themselves, &c. And,

On motion of Mr. Howk,

Said resolution as amended was ordered to lie on the table.

Mr. Child presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the 39th section of an act, entitled An act providing for the settlement of decedents' estates and for other purposes, approved, January 26th, 1824. as relates to the privilege of allowing a widow to select one hundred dollars in value, of the personal estate of her deceased husband, for which she shall not be required to account.

Mr. Hillis moved to lay said resolution on the table, which was decided in the negative.

Mr. Beckes then moved to indefinitely postpone the further consideration of said resolution, which was car-



ried in the affirmative; and the ayes and noes being called for by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Burnett, Craig, Daniel, Fitzgerald, Gard, Gray, Hannah, Hillis, Howk, Jackson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Marshall, Moffatt, Paddacks, Palmer, Paxton, Rose, Sims, Stanford, Stewart, Sweetser and Walker—26.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Child, Claypool, Clendenin, Guion, Johnson, Ketcham, Lomax, Pepper, Posey, Reed, Richardson, Riley, Wallace, Williams, Worth and Evans, speaker—19.

So said resolution was indefinitely postponed.

Mr. Keen, after having obtained leave, presented a bill concerning contempts, which was read the first time.

Whereupon,

Mr. Beckes moved to reject said bill, which was carried in the affirmative; and the ayes and noes being called for by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Boon, Burnett, Clendenin, Daniel, Gray, Hannah, Howk, Jackson, Johnson, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Paddacks, Pepper, Rose, Sims, Stanford, Sweetser, Wallace and Worth—23:

*And those who voted in the negative are,*

Messrs. Blair, Child, Claypool, Craig, Fitzgerald, Gard, Guion, Hillis, Keen, Ketcham, Lemon, Marshall, Palmer, Paxton, Posey, Reed, Richardson, Riley, Stewart, Walker, Williams and Evans, speaker—22.

So said bill was rejected.

Mr. Keen, after having obtained leave, presented a bill providing for granting conditional reprieves to persons under sentence of death, and for the safe keeping of convicts in certain cases; which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee of ways and means be instructed to report a bill for raising the state and county revenue, for the year 1826, on an ad valorem system of taxation.

On motion of Mr. Beckes,

Said resolution was amended by striking out 1826 and inserting 1827.

Mr. Howk then moved to lay said resolution on the table, which was decided in the negative.

On motion of Mr. Hillis,

Said resolution was so amended as to refer it to a "select committee with instructions &c."

Said resolution was then read as amended, and on the question being put, shall said resolution be adopted? It was decided in the affirmative: and the ayes and noes being demanded by two persons are as follows, to wit:

*Those who voted in the affirmative are.*

Messrs. Baird, Beckes, Blair, Boon, Child, Claypool, Craig, Fitzgerald, Gard, Gray, Guion, Hannah, Hillis, Jackson, Johnson, Keen, Lemon, Marshall, Moffatt, Palmer, Paxton, Pepper, Reed, Richardson, Sims, Stanford, Sweetser, Walker, Worth and Evans, speaker—30.

*And those who voted in the negative are,*

Messrs. Burnett, Clendenin, Daniel, Howk, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Padacks, Posey, Riley, Rose, Stewart, Wallace and Williams—15.

So said resolution was adopted.

Whereupon,

Messrs. Sweetser, Beckes and Pepper, were appointed said committee.

Whereupon,

The House adjourned until to-morrow morning 9 clock.

WEDNESDAY MORNING, DECEMBER 28, 1825.

The House met pursuant to adjournment.

Mr. Child presented a petition of Jeremiah Rowland and others, of Salem, praying a special act to incorporate said town; which was read and referred to a select committee of Messrs. Child, Baird and Burnett, with leave to report by bill or otherwise.

On motion of Mr. Sweetser,

Mr. Marshall was added to the select committee on that part of the Governor's message which relates to the navigation of the White rivers.

On motion of Mr. Sweetser,

The House took up the bill to encourage agriculture and manufactures. And,

On motion of Mr. Sweetser,

Said bill was re-committed to a select committee of Messrs. Keen, Sweetser, Stanford, Walker and Jackson.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate adhere to their disagreement to the first and second amendments made by the House of Representatives to the bill from the Senate, for the formation of the county of Tippecanoe.

Mr. Hannah moved that this House recede from said amendments, which was decided in the negative.

And, on motion of Mr. Robertson,

*Resolved,* That a committee of free conference be appointed on the part of this House, to act with a similar committee to be appointed on the part of the Senate, to take into consideration the subject matter of the disagreeing votes of the two Houses, on the bill from the Senate for the formation of the county of Tippecanoe, and that the Senate be informed thereof and a similar committee on their part requested.

Whereupon,

Messrs. Robertson and Claypool were appointed said committee on the part of this House.

*Ordered,* That the clerk inform the Senate.

Mr. Child, from the standing committee on roads, reported a bill for opening and repairing public roads and highways; which was read the first time and passed to a second reading to-morrow.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill from this House, entitled An act for the relief of the heirs of Benjamin Warner, deceased, with sundry amendments; and also the following engrossed bills, entitled "Acts," to wit: An act supplemental to an act, entitled an act declaring Blue river a public highway and for other purposes; An act for the apportionment of senators and representatives to the General Assembly; and An act for the relief of William Wilson, of Ripley county; in which last three mentioned acts, together with the amendment made to the first named act, they ask the concurrence of this House.

The amendments to the bill for the relief of the heirs of Benjamin Warner, deceased, was read and ordered to lie on the table.

The engrossed bill entitled an act supplemental to an act entitled An act declaring Blue river a public highway. and for other purposes, was read the first time and passed to a second reading to-morrow.

The engrossed bill entitled an act for the apportionment of Senators and Representatives to the General Assembly, was read the first time and passed to a second reading to-morrow.

The engrossed bill entitled an act for the relief of Wm. Wilson of Ripley county, was read the first time.

Whereupon,

Mr. Pepper moved to reject said bill, which was carried in the affirmative: and the ayes and noes being called for by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Blair, Child, Clendenin, Daniel, Gard, Gray Hannah. Howk, Jackson, Johnson, Ketcham, Lemon, Lewis of Franklin, Lomax, Moffatt, Pad

Jacks, Palmer, Pepper, Rose, Sims, Stewart, Sweetser, Walker and Williams—25.

*And those who voted in the negative are,*

Messrs. Beckes, Boon, Burnett, Claypoll, Craig, Fitzgerald, Hillis, Keen, Lewis of Wayne, Marshall, Paxton, Reed, Riley, Robertson, Stanford, Wallace, Worth and Evans, speaker—18.

So said bill was rejected.

Mr. Burnett from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled:

An act for the relief of William Youse, late sheriff of Union county; An act for the relief of Jonathan Gifford and others, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

On motion of Mr. Beckes,

*Resolved*, That the judiciary committee be instructed to report a bill to this House, amendatory to the 37th section of the act relative to crimes and punishments, so as to make any person or persons, attempting to obtain money or other valuable articles, by false pretences, equally guilty with those who shall obtain such monies, goods or other valuable articles.

Mr. Keen presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the judiciary committee be instructed to enquire into the propriety of repealing so much of the 8th section of an act to amend an act entitled "an act to regulate the judicial circuits, and fixing the times of holding courts, approved Feb. 12th, 1825," as allows fifty cents a day to petit jurors, paid in the manner therein provided, and, if they deem it expedient to repeal the same, that they be instructed to report a bill providing that petit jurors shall be paid by the plaintiffs in each suit at the time of delivering a verdict, and before the same is read or recorded by the court.

On motion of Mr. Beckes,

Said resolution was so amended as to make it imperative on said committee to report a bill on that subject.

Said resolution was then read as amended, and adopted by the House.

Mr. Walker. asked and obtained leave to record his vote in the negative, on the adoption of said resolution.

The House proceeded to consider the orders of the day.

The bill to amend the act regulating the jurisdiction and duties of justices of the peace, was read a 2d time, and committed to a committee of the whole House tomorrow.

The House resolved itself into a committee of the whole, on the bill to amend the act providing for the settlement of decedents' estates and for other purposes, approved, January 26th, 1824,

Mr. Burnett in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Burnett reported progress and asked leave to sit again.

Which leave was granted by the House.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the bill to amend the act, entitled An act organizing circuit courts and defining their powers and duties,

Mr. Lemon in the chair.

After some time spent therein the Speaker resumed the chair, and Mr. Lemon reported said bill with one amendment, which was by striking it out from its enacting clause.

[This bill proposed to change the present mode of appointing circuit prosecuting attorneys to a joint ballot of both Houses of the General Assembly, and to perpetuate the law on that subject]

And on the question being put, Will the House concur in said report? it was carried in the affirmative; and

the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Claypool, Clendenin, Daniel, Fitzgerald, Gray, Guion, Hillis, Johnson, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paddacks, Paxton, Posey, Reed, Richardson, Riley, Rose, Sims, Stewart, Sweetser, Walker, Wallace, Worth and Evans, speaker—31.

*And those who voted in the negative are,*

Messrs. Burnett, Child, Craig, Gard, Hannah, Hawk, Jackson, Keen, Lemon, Moffatt, Palmer, Pepper, Robertson, Stanford and Williams—15.

So said amendment was concurred in by the House.

And, on motion of Mr. Fitzgerald,

The further consideration thereof was indefinitely postponed.

Mr. Richardson, from the joint committee for enrolled bills, reported that they did on this day present to the Governor for his approval and signature,

An act to amend the act entitled An act declaring certain streams therein named public highways, approved, January 26th, 1824.

An act legalizing the proceedings of the board of justices of Vermillion and Hamilton counties, for the year 1825.

An act to improve the navigation of Laughery creek.

And an Act for the formation of a new county out of the counties of Montgomery and Wabash.

The bill providing for granting conditional reprieves to persons under sentence of death, and for the safe keeping of convicts in certain cases, and the bill to authorize the several townships in certain counties in this state to elect township officers, were read a second time and committed to a committee of the whole House tomorrow.

The engrossed bill to authorize John W. Cox to erect a mill dam across the west fork of White river; the engrossed bill to authorize the lessee of the ferry across

White river, near Indianapolis, to erect a dwelling house on said premises; and the engrossed bill legalizing the proceedings of the school trustees of congressional township No. 9, range No. 2 west, in Franklin county; were severally read a third time and passed.

*Ordered*, That the same be entitled "Acts," and that the clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole on the bill to repeal part of the 80th section of the act relative to crimes and punishments, approved, ———1824,

Mr. Boon in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Boon reported said bill without amendment. And,

On motion of Mr. Sweetser,

Said bill was re-committed to the judiciary committee.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, DECEMBER 29th, 1825.

The House met pursuant to adjournment.

Mr. Reed presented a petition of John Hatfield of Franklin county, praying to be divorced from his wife Drusilla, late Drusilla Blackburne, which was read and referred to a select committee of Messrs. Reed, Gard, Keen and Lewis of Franklin.

Mr. Fitzgerald presented a petition of Daniel Miller and others, and of Ambrose Kelsey and others, of Vanderburgh county, praying an appropriation of part of the three per cent fund, for the purpose of opening a state road from Fredonia in Crawford county, to the state line on the Wabash river, through several intermediate towns, which was read and referred to a select



committee of Messrs. Fitzgerald, Daniel, Richardson and Stewart.

Mr. Child presented the following report, viz:

*Mr. Speaker,*

The committee on edution, to whom was referred the petition of sundry citizens of Gibson county, praying a law to pass authorizing them to build a county seminary, report: that they have had the same under their consideration, and are of opinion that the act entitled An act relating to county seminaries, approved, January 31st, 1824, sufficiently provides for the object which the petitioners have in view; therefore, that no special law on the subject is necessary, and that the prayer of the petitioners ought not to be granted.

Which being read was concurred in by the House.

Mr. Hawk, from the select committee to whom was referred the petition of William W. Wick, reported a joint resolution for his benefit, which was read the first time, and passed to a second reading to-morrow.

Mr. Hillis presented the following resolution for the consideration of the House, to wit:

*Resolved,* That the judiciary committee be instructed to report a bill to this House authorizing the sale of a certain tract of land in Jefferson county, to wit: The south east quarter of section 22, town 4 north, range 11 east, in accordance with the letter herewith submitted.

On motion of Mr. Craig,

Said resolution was so amended as to refer the same to a select committee.

Said resolution was then read as amended, and rejected by the House.

On motion of Mr. Richardson,

*Resolved,* That the committee of ways and means be, and they are hereby directed to report to this House a detailed account of the disbursement of the contingent fund, that the same may be spread on the journals of this House.

Mr. Child presented the following resolution, which was read and rejected by the House, to wit:

*Resolved,* That the judiciary committee be instructed so to amend the act regulating the jurisdiction and du-

ties of justices of the peace, approved, January 30th, 1824, that justices of the peace shall be responsible for the solvency of securities in cases of replevin, provided the plaintiff shall protest or object to any proposed security.

The bill to amend the act relative to county boundaries, approved, January 31st, 1824, was ordered to be engrossed and read a third time on this day.

Mr. Barnett, from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills entitled,

An act providing for removing the obstructions in the river Patoka;

An act authorizing the surviving administratrix of the estate of Harvey Heth, deceased, to sell and convey real estate; and,

An act to provide for a more certain return of votes for Governor and Lieutenant Governor;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

On motion of Mr. Hillis,

Messrs. Burnett, Sweetser and Richardson were added to the committee of ways and means.

On motion of Mr. Child,

That part of the joint committee on education, which was appointed on the part of this House, were discharged therefrom.

On motion of Mr. Posey,

Leave is given to withdraw the petition of Jane Martin and the documents accompanying the same.

The House proceeded to consider the orders of the day.

The engrossed bill from the Senate entitled an act for the apportionment of Senators and Representatives to the General Assembly, was read a second time, and committed to the same committee of the whole House, to which was committed the bill of the same title on the part of this House.

The bill for opening and repairing public roads and highways, was read a second time, and committed to a committee of the whole House on Monday next.

The engrossed bill from the Senate entitled an act supplemental to an act declaring Blue river a public highway and for other purposes, was read a second time, and passed to a third reading to-morrow.

The House resolved itself into a committee of the whole, on the bill to amend the act regulating the taking up of animals going estray, and water craft and other articles of value adrift,

Mr. Child in the chair—

After some time spent therein the Speaker resumed the chair, and Mr. Child reported said bill with one amendment, which was by striking it out from its enacting clause.

Which amendment was concurred in by the House.

And on motion of Mr. Worth,

The further consideration of said bill was indefinitely postponed.

On motion of Mr. Beckes,

The committee of the whole to which was committed the bill for the relief of revolutionary soldiers, were discharged from the further consideration thereof.

Mr. Walker moved to amend said bill by striking out the words "to the value of more than \$200," so that all such persons owning real estate should not receive the benefit of said law.

Mr. Child moved to amend the amendment by striking out \$200, and inserting \$100, which was decided in the negative.

And on the question, shall said bill be so amended as proposed by Mr. Walker? it was decided in the negative: and the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Daniel, Hillis, Moffatt, Paddacks, Palmer, Reed, Sims, Sweetser, Walker, Wallace, Worth and Evans, speaker—12.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child Claypool, Clendenin, Craig, Fitzgerald, Gard, Gray, Guion, Hannah, Hawk, Jackson, Johnson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paxton, Pepper, Posey, Richardson, Riley, Robertson, Rose, Stanford, Stewart and Williams—34.

So said bill was not so amended.

Mr. Craig moved further to amend said bill by striking out the words "six months or upwards," which was decided in the negative.

Mr. Lewis of Wayne, moved further to amend said bill so that all persons therein mentioned should be exempt from the payment of a poll tax, whether they were the owners of real estate or not.

And debate arising thereon, the previous question was then called for by Mr. Palmer, and being demanded by three members, it was taken in the form prescribed by the rules and orders of the House, to wit:

Shall the main question be now put? and passed in the affirmative.

The said main question was then put, to wit: Shall said bill be engrossed and read a third time to-morrow? And it was carried in the affirmative.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled An act for the relief of sundry persons therein named,

Mr. Claypool in the chair—

After some time spent therein the Speaker resumed the chair, and Mr. Claypool reported said bill with one amendment, which being read was concurred in by the House.

Mr. Robertson moved to indefinitely postpone the further consideration of said bill, which was carried in

the affirmative: and the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Claypool, Clendenin, Hannah, Hillis, Jackson, Johnson, Keen, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Paxton, Pepper, Reed, Richardson, Riley, Robertson, Rose, Sims, Stanford, Walker, Wallace, Williams and Worth—29.

*And those who voted in the negative are,*

Messrs. Burnett, Child, Craig, Daniel, Fitzgerald, Gard, Guion, Hawk, Lemon, Marshall, Paddacks, Palmer, Posey, Stewart, Sweetser and Evans, speaker—16.

The House resolved itself into a committee of the whole on the bill to amend the act entitled An act providing for the settlement of decedents' estates and for other purposes, approved January 26th, 1824, and the amendment thereto,

Mr. Clendenin in the chair—

After some time spent therein the Speaker resumed the chair, and Mr. Clendenin reported said bill with several amendments: and on the question being put, Will the House concur in said amendments? it was decided in the negative.

Mr. Sweetser then moved to amend said bill by adding the following as thirteen additional sections to said bill, to wit:

SEC. 2. *Be it enacted by the General Assembly of the state of Indiana, That there shall be organized in each county in this state, a probate court, to consist of one judge, who shall be elected by the qualified electors in each county, at the general election on the first Monday in August next, and septennially thereafter; and shall be commissioned by the Governor, and hold his office for the term of seven years, and until his successor is chosen and qualified, and shall before entering upon the discharge of the duties of his office, take an oath or affirmation similar to that which is required to be taken by the judges of the supreme and circuit courts, which oath shall be endorsed on the commission, and a copy thereof filed in the office of the clerk of the circuit court of the proper county.*

SEC. 3. The said courts when organized shall be called and styled, the probate court, according to the name of the several counties. They shall be, and the same are hereby made courts of Record, and in their several counties, shall have original and exclusive jurisdiction in all matters relating to the probate of wills and testaments; granting of letters testamentary, and

letters of administration; the settlement and distribution of decedants' assets; the examination and allowance of the accounts of executors, administrators and guardians; the protection of minors, idiots and lunatics, and the security of their persons and estates; the appointment of guardians, and in the trusts, rights and interests arising from the relation of guardian and ward; and shall have power to punish contempts, and issue all writs, orders, citations or other process, necessary to carry their orders and decrees into effect, and all process, orders and decrees, shall be enforced, executed and returned in the same manner, and under the like penalties as the process, orders and decrees of the circuit courts. The said court shall severally have a seal to be devised by the court, who shall cause a description thereof to be recorded. *Provided*, That no settlement of any administration or guardianship, shall be made until the party applying to make such settlement, shall give public notice in some newspaper printed nearest to such court, at least thirty days prior to such settlement, or by notice first served upon all the parties concerned in such settlement, proof of which advertisement or notice to be made by the party applying therefor, to the satisfaction of such judge, previously to his proceeding to hear and determine the same.

SEC. 4. The clerk of the circuit court, and the sheriff of the proper county, shall be officers of the court of probate, and shall receive for their services the same fees as are now allowed by law for similar services. It shall be the duty of the clerk to keep a fair record of all the proceedings, rules, orders, judgments and decrees of the court, separate from the records of the circuit court, in books which he shall provide at the expense of the proper county. It shall be the duty of the sheriffs to attend the said courts during their sittings, and to serve all orders and process to them directed from the probate court of their own or any other county in the state.

SEC. 5. Any person who shall conceive himself or herself aggrieved by any order, decision, judgment or decree of the probate court, shall have the liberty of appealing to the circuit court of the proper county, upon the appellant's giving bond with good and sufficient security, approved of by the said court, and in such sum as they shall direct, payable to the judge of said court; conditioned, that the appellant shall prosecute the said appeal to effect, and perform the sentence, judgment, order or decree of the circuit court, in case the cause be decided against him, her or them; which bond may be put in suit in the name of the judge aforesaid, and the amount recovered thereon, applied as the said probate court shall direct, among those injured by breach of the condition thereof. If the order, decision, judgment or decree of the probate court appealed from, shall have been given or made upon a summary proceeding, and upon the testimony of witnesses examined *viva voce*, before the court, the party shall not be allowed to appeal, unless he or she shall immediately give notice of such intention, and request that the testimony be reduced to writing; and in such case the depositions of the witnesses, shall immediately be taken by the court, and a transcript of the whole proceedings shall be certified to the circuit court, and the cause entered on the docket of the said circuit court; and in all cases when any order, decision or decree of the probate court is appealed from, and the bond required by this act is filed, the clerk shall make out a certified transcript of the whole proceedings, including the depositions or other papers upon which the order or decision appealed from was made, and enter the cause upon the docket of the circuit court, where it shall stand for trial at the ensuing term; and the said circuit court shall either affirm the order, decision, judgment or decree of the probate court, or direct in what manner it shall be changed or amended, or may at their discretion direct an issue or issues of fact to be made up and tried by the said circuit court as in other cases, or make such order, judgment or decree as ought to have been rendered in the court below: and when the decision of the circuit court shall be certified to the probate court, the said probate court shall proceed according to the tenor or directions thereof.

SEC. 6. The circuit courts of the several counties shall have power to direct writs of error and supersedeas to the probate courts of the proper county,

but no writ of supersedeas shall be issued, unless the circuit court or the president judge thereof in vacation, after inspecting the errors assigned upon the transcript of the record, shall award the same, and the circuit court in all cases of error or appeal from the probate court, shall proceed in the same manner, and be governed by the same rules as are prescribed to the supreme court in cases of error or appeal from the circuit courts. *Provided however,* That the decision of the circuit court shall not be final, but that the supreme court may upon writ of error take cognizance of the same, and proceed thereon as in other cases.

SEC. 7. Whenever either of the parties having a contest in the probate court shall require, the said court may direct a plenary proceeding by bill or petition, to which there shall be an answer on oath or affirmation, and if the party shall refuse to answer any matter alleged in the bill or petition, proper for the court to decide upon, the said party may be punished for a contempt at the discretion of the court, and the matters set forth in said bill or petition shall be taken *pro confesso*, and decreed accordingly.

SEC. 8. When the matters alleged in such bill or petition, are denied, or confessed and avoided, the court shall hear and determine the matters in controversy upon the bill or petition, answer exhibits or depositions according to the usages of courts; and the said court may in its discretion or on the application of either party, for good cause shewn, direct an issue or issues of fact to be made up and sent to the circuit court of the county, where the same shall be docketed and stand for trial at the ensuing term of the said circuit court, and the proceedings therein shall be the same as in the trial of all other issues; and the said probate court shall decree upon the finding of the jury, which finding shall be certified by the circuit court. And in all cases of contest, the probate court may award costs to the party in their opinion entitled to the same and may compel payment by attachment of the body, or of the goods and chattels of the party against whom such costs shall be awarded.

SEC. 9. Letters testamentary, of administration and of guardianship, and all process issuing from the court, shall be tested in the name of the judge and signed by the clerk with the seal of the court thereto affixed.

SEC. 10. The probate courts hereby organized, shall hold their terms in each county on the first Mondays in January, March, May, July, September and November in each year, and shall sit two days at each term, if the business require it: *Provided,* That if either of the above days shall fall within the time prescribed by law for holding the circuit court, in any of the counties in this state, the probate court in such cases shall be held on the Monday preceding the term of the circuit court so interfering.

SEC. 11. The probate courts shall in all respects be governed in their modes of proceeding and rules of decision, and shall do and perform all the duties required by "An act providing for the settlement of decedents' estates, and for other purposes, approved January 26th, 1824," and an act amendatory thereto, approved February 11th, 1825; except so much of the said acts as comes within the purview of this act: And all the powers, authority and jurisdiction heretofore vested in the associate judges of the circuit courts, as a court of probate, or reserved to the circuit courts, shall be and the same are hereby transferred to and vested in the probate courts organized by this act.

SEC. 12. The election of an attorney and counsellor at law, to the office of judge of the probate court, shall not deprive such attorney and counsellor at law, of the right to practice in his profession in any court of law or equity, in this state; except in the probate courts, and in cases in the superior courts, which originated in any of the said probate courts.

SEC. 13. The judges of the several courts of probate shall receive as a compensation for their services the sum of two dollars per day for the time necessarily employed in the discharge of their several duties, to be paid out of the treasury of the proper county; for which the boards of justices shall make the necessary order, and shall further make the allowances necessary for procuring the books and seal required by this act.

SEC. 14. So much of the "Act providing for the settlement of decedents' es-

tates and for other purposes, approved January 26th, 1824," and the act amendatory thereto, approved February 11th, 1825, as comes within the purview of this act, and so much of the first recited act as authorizes the granting of letters testamentary, or of administration, during the vacation, and the third section of the last recited act, shall be and the same are hereby repealed.

This act to take effect and be in force from and after its publication.

And on the question being put, Shall the said bill be so amended? it was decided in the negative: and the ayes and noes being called for by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Burnett, Claypool, Guion, Hillis, Jackson, Keen, Marshall, Paddacks, Palmer, Pepper, Robertson, Rose, Sweetser, Walker and Wallace—16.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Boon, Child, Clendenin, Craig, Daniel, Fitzgerald, Hannah, Howk, Johnson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Paxton, Posey, Reed, Richardson, Riley, Sims, Stanford, Stewart, Williams, Worth and Evans, speaker—29.

So said bill was not so amended.

Mr. Stanford moved to indefinitely postpone the further consideration of said bill.

Whereupon,

On motion of Mr. Palmer,

Said bill was laid on the table.

The engrossed bill to amend an act entitled An act relative to county boundaries, approved January 31st, 1824, was read a third time.

Mr. Reed moved to postpone the further consideration of said bill until the second Monday in January next, which was decided in the negative.

And on the question being put, Shall said bill pass? it was carried in the affirmative: and the ayes and noes being called for by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gard, Howk, Jackson, Johnson, Keen, Ketcham, Lemon, Lomax,



Moffatt, Paddacks, Palmer, Posey, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Wallace, Williams and Evans, speaker—32.

*And those who voted in the negative are,*

Messrs. Guion, Hannah, Hillis, Lewis of Franklin, Lewis of Wayne, Marshall, Paxton, Reed, Sweetser, Walker and Worth—11.

So said bill passed.

*Ordered,* That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed joint resolution of the General Assembly relative to the agent of the three per cent. fund, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered,* That the clerk carry the same to the Senate for the signature of their President.

The House resolved itself into a committee of the whole on the bill authorizing the sale of part of the public square in the town of Liberty, in the county of Union,

Mr. Craig in the chair,

After some time spent therein the Speaker resumed the chair, and Mr. Craig reported said bill with one amendment, which was read and concurred in by the House.

Mr. Moffatt moved to indefinitely postpone the further consideration of said bill, which was decided in the negative; and the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Burnett, Claypool, Clendenin, Gard, Howk, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Marshall, Moffatt, Paddacks, Palmer, Paxton, Posey, Reed, Riley, Stanford, Stewart, Sweetser, Walker and Worth—22.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Boon, Child, Craig, Daniel, Fitzgerald, Guion, Hannah, Hillis, Jackson, Johnson, Ketcham, Lomax, Pepper, Richardson, Robertson, Rose, Sims, Wallace, Williams and Evans, speaker—22.

So said bill was not indefinitely postponed.

*Ordered,* That said bill be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Farnham their assistant secretary.

*Mr. Speaker,*

The Senate have passed an engrossed Joint Resolution, and an engrossed bill, entitled An act concerning prosecuting attorneys, in which they desire the concurrence of this House.

Said bills were then severally read the first time and passed to a second reading to-morrow.

Whereupon,

The House adjourned until to-morrow morning 9 clock.

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FRIDAY MORNING, DECEMBER 30th, 1825.

The House met pursuant to adjournment.

Mr. Ketcham presented a petition of Solomon Green and others, of Monroe and Lawrence counties, praying that Salt creek may be declared a public highway as far up as Hough's salt works, which was read and referred to a select committee of Messrs. Ketcham, Williams and Child.

Mr. Keen, from the committee on military affairs, reported: that they have had the petition of Lieutenant Joseph Amy and others, under consideration, and are of opinion that the prayer of the petitioners is unreasonable and ought not to be granted.

Which being read was concurred in by the House.

Mr. Palmer, from the standing committee on the affairs of Indianapolis, reported a bill to vacate certain lots in the town of Indianapolis and for other purposes, which was read the first time, and passed to a second reading to-morrow.

Mr. Pepper, from the select committee to whom was referred that part of the message of the Governor relative to the establishment of a canal from Lawrenceburgh to Fort Wayne, reported a bill incorporating the Whitewater canal company, which was read the first time, and passed to a second reading to-morrow.

Mr. Claypool moved to direct the public printer to print seventy-five copies of said bill for the use of this House, which was decided in the negative.

Mr. Worth, from the select committee to whom was referred the petition of William Stansberry and others, of Delaware county, reported a bill for the formation of a new county out of the bounds of said county, which was read the first time, and passed to a second reading to-morrow.

Mr. Sweetser, from the select committee to whom was referred the petition of John Berry and others, reported a bill to amend the act entitled An act requiring certain public officers to give security, approved, January 26th, 1825, which was read the first time, and passed to a second reading to-morrow.

Mr. Reed, from the select committee to whom was referred the petition of John Hatfield, reported a bill divorcing him from his wife Drusilla Hatfield, which was read the first time, and passed to a second reading to-morrow.

Mr. Lewis of Franklin, presented the following protest, which was read and ordered to be spread upon the journals.

In the name of myself, and on behalf of the citizens of Franklin county, I do solemnly protest against the passage of the bill attaching a part of the county of Franklin, to Union and Fayette, for the following reasons, to wit:

First. Because the constitution expressly says, that no old county shall be reduced to a less number than four hundred square miles, and that the bounds of Franklin, or that part which was established at or before the adoption of the consti-

tion, does not exceed three hundred and fifty square miles; consequently no subsequent legislature can attach territory with a view of taking from the old at the next or any succeeding legislature, without violating that article. That the representation of Franklin, Fayette and Union, did in the year 1820 or 21, contrary to the wishes of their constituents, attach some territory to the southern and western lines of the former, which in the opinion of the undersigned, should not have been taken into consideration by the committee. The part which has been attached since the adoption of the constitution, can be taken from Franklin; but the old bounds must remain as large as the constitution contemplates.

Second. That the petitioners from that part of Franklin who wish to be added to Union, only includes twelve miles; the bill which has passed, gives to Union twenty-four; and the petitioners from that part of Franklin who are desirous of being added to Fayette, only embraces two miles; the bill adds six. At least one hundred or one hundred and fifty polls have been attached to those two counties, contrary to their wishes, and also their representatives; and who have actually remonstrated against it. And in the opinion of the undersigned, it is unconstitutional, unprecedented, and unheard of in legislative proceedings.

SAM'L LEWIS.

Mr Palmer, after having obtained leave, presented a bill providing for licensing travelling merchants, which was read the first time, and passed to a second reading to-morrow.

Mr. Hillis, after having obtained leave, presented a bill to abolish the office of Agent of the State at Indianapolis, which was read the first time.

Whereupon,

Mr. Pepper moved to reject said bill, which was decided in the negative.

*Ordered*, That said bill be read a second time to-morrow.

Mr. Palmer, after having obtained leave, presented a bill in addition to the act concerning the Auditor of Public Accounts and Treasurer of State; which was read the first time and passed to a second reading to-morrow.

Mr. Posey, after having obtained leave, presented a bill for the benefit of Jane Martin, which was read the

first time and passed to a second reading to-morrow.

On motion of Mr. Keen,

*Resolved*, That the Treasurer of State be directed to report to this House the several sums of money that have been paid into the treasury, being the proceeds of the sales of lots in and adjoining the town of Indianapolis, setting forth in said report the names of the agents making said payments, and the dates on which the same were made: And,

*Resolved also*, That the Auditor of Public Accounts be directed to report to this House a statement of the several claims audited by him, to be paid out of the fund arising from the sales of lots in and adjoining the town of Indianapolis; referring to the several laws authorizing the payment of said claims.

On motion of Mr. Pepper,

The bill to amend the act for the settlement of decedents' estates and for other purposes, approved,——— was taken up and re-committed to the judiciary committee.

On motion of Mr. Fitzgerald,

The bill to amend the act regulating the militia of the state of Indiana, was taken up and committed to the committee on military affairs.

Mr. Posey presented the following resolution for the consideration of the House, to wit:

*Resolved*, By the House of Representatives, that they will adjourn *sine die*, on Saturday, the 14th day of January, 1826; that the Senate be informed of the passage of this resolution and their concurrence requested.

Mr. Child then moved to lay said resolution on the table, which was decided in the negative; and the ayes and noes being called for by Messrs. Posey and Stewart, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Burnett, Child, Clendenin, Craig, Gard, Gray, Hawk, Jackson, Keen, Lemon, Lewis of Wayne, Reed, Robertson, Rose, Walker, Wallace and Williams—19.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Claypool, Daniel, Fitzgerald, Guion, Hannah, Hillis, Johnson, Ketcham, Lewis of Franklin, Lomax, Marshall, Moffatt, Paddacks, Palmer, Paxton, Pepper, Posey, Richardson, Riley, Sims, Stanford, Stewart, Sweetser, Worth and Evans, speaker—27.

So said resolution was not laid on the table.

Mr. Beckes then moved to indefinitely postpone the further consideration of said resolution, which was carried in the affirmative: and the ayes and noes being called for by Messrs. Posey and Stewart, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Craig, Fitzgerald, Gard, Gray, Guion, Hannah, Howk, Jackson, Johnson, Keen, Ketcham, Lemon, Lomax, Marshall, Moffatt, Paxton, Pepper, Robertson, Sims, Stanford, Walker, Wallace and Worth—29.

*And those who voted in the negative are,*

Messrs. Claypool, Clendenin, Daniel, Hillis, Lewis of Wayne, Lewis of Franklin, Paddacks, Palmer, Posey, Reed, Richardson, Riley, Rose, Stewart, Sweetser, Williams and Evans, speaker—17.

So said resolution was indefinitely postponed.

Mr. Keen presented the following resolution for the consideration of the House, to wit:

*Resolved,* That the judiciary committee be directed to enquire into the expediency of passing an act declaring that no statute or act of Parliament of England or Great Britain, shall have force or authority within this state, or be considered a law thereof.

Mr. Sweetser moved to amend said resolution by adding the words, And also to repeal the common law of this state, so far as it is derived from Great Britain.

Mr. Hillis then moved to amend the amendment by adding the words, So far as the same applies to the county of Bartholomew.

Mr. Worth then moved to lay said resolution and a-

amendments on the table, which was decided in the negative. And,

On motion of Mr. Hannah,

Said resolution and amendments were indefinitely postponed.

Mr. Palmer presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the judiciary committee be instructed to report to this House a bill providing for the repeal of all and every law of England or Great Britain on the subject of libels, or that either directly or indirectly affects the liberty of the press.

Mr. Hillis moved to amend the same, by adding the words "and speech," which was decided in the negative.

Mr. Moffatt moved to indefinitely postpone the further consideration of said resolution.

Mr. Pepper then moved to amend said resolution by directing said committee to enquire into the expediency &c.

And debate arising thereon, the previous question was called for, and being demanded by three members, it was taken in the form prescribed by the rules and orders of the House, to wit:

Shall the main question be now put? and passed in the affirmative.

The said main question was then put, to wit: Shall said resolution and proposed amendment be indefinitely postponed? And passed in the affirmative: and the ayes and noes being called for by Messrs. Palmer and Lomax, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Fitzgerald, Gray, Guion, Hannah, Hillis, Hawk, Jackson, Johnson, Ketcham, Lemon, Lewis of Wayne, Lewis of Franklin, Marshall, Moffatt, Paddacks, Paxton, Reed, Riley, Stewart, Sweetser, Walker, Wallace, Williams and Evans, speaker—33.

*And those who voted in the negative are,*

Messrs. Daniel, Gard, Keen, Lomax, Palmer, Pepper, Posey, Richardson, Robertson, Rose, Sims, Stanford and Worth—13.

So said resolution and amendments were indefinitely postponed.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they did on this day present to the Governor, for his approval and signature,

An act to provide for a more certain return of votes for Governor and Lieutenant Governor;

An act providing for removing the obstructions in the river Patoka;

An act for the relief of William Youse, late sheriff of Union county;

An act authorizing the surviving administratrix of the estate of Harvey Heth, deceased, to sell and convey real estate; and,

An act for the relief of Jonathan Gifford and others.

A message from the Governor by Mr. Wick, his private secretary:

*Mr. Speaker,*

I have it in charge from his excellency the Governor to announce to the House of Representatives, that he did on this day, (December 30,) approve and sign, the enrolled bills, entitled,

An act to amend the act entitled an act declaring certain streams therein named public highways, approved January 26, 1824;

An act for the formation of a new county out of the counties of Montgomery and Wabash;

An act legalizing the proceedings of the boards of justices of Vermillion and Hamilton counties, for the year eighteen hundred and twenty-five; and,

An act to improve the navigation of Laughery creek.

All which bills originated in the House of Representatives:—and that the said bills have been filed in the office of the Secretary of State.

The House resolved itself into a committee of the whole on the bill for the relief of purchasers of lots in the town of Indianapolis.



After some time spent therein the Speaker resumed the chair, and Mr. Fitzgerald reported progress, and asked leave to sit again.

Which leave was accordingly given.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House again resolved itself into a committee of the whole, on the bill for the relief of the purchasers of lots in the town of Indianapolis:

After some time spent therein the Speaker resumed the chair, and Mr. Fitzgerald reported said bill with one amendment, which was read and concurred in by the House.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

The joint resolution for the benefit of William W. Wick, was read a second time and committed to a committee of the whole House to-morrow.

The engrossed joint resolution of the General Assembly, from the Seante, was read a second time, and,

On motion of Mr. Beckes,

The further consideration thereof was indefinitely postponed.

The engrossed bill from the Senate, entitled An act concerning prosecuting attorneys, was read a second time.

Whereupon,

Mr. Beckes moved to indefinitely postpone said bill, which was decided in the negative: and the ayes and noes being called for by Messrs. Beckes and Craig, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Child, Claypool, Clendenin, Craig, Fitzgerald, Gray, Hawk, Keen, Marshall, Moffatt, Paxton, Pepper, Riley, Rose, Sims, Stanford, Stewart, Sweetser, Wallace, Worth and Evans, speaker—23.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Daniel, Gard, Guion, Hannah, Hillis, Jackson, Johnson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Palmer, Posey, Reed, Richardson, Robertson, Walker and Williams—23.

So said bill was not indefinitely postponed.

On motion of Mr. Palmer,

Said bill was committed to a committee of the whole House to morrow.

The House resolved itself into a committee of the whole on the bill to amend the act entitled An act to license and regulate taverns;

After some time spent therein the Speaker resumed the chair, and Mr. Daniel reported said bill with one amendment, which was by striking it out from its enacting clause; which was concurred in by the House.

Mr. Claypool then moved to indefinitely postpone the further consideration of said bill, which was carried in the affirmative: and the ayes and noes being called for by Messrs. Child and Riley, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Burnett, Claypool, Craig, Daniel, Gray, Guion, Hannah, Hawk, Jackson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Marshall, Moffatt, Palmer, Paxton, Pepper, Posey, Reed, Riley, Rose, Sims, Sweetser, Wallace and Williams—28.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Child, Clendenin, Fitzgerald, Gard, Hillis, Johnson, Keen, Lomax, Paddacks, Richardson, Robertson, Stanford, Stewart, Walker, Worth and Evans, speaker—18.

The bill to provide for opening a canal at the falls of the Ohio at Jeffersonville, was read a second time and committed to a committee of the whole House on Tuesday next.

The engrossed bill from the Senate supplemental to

an act declaring Blue river a public highway and for other purposes, was read a third time and passed.

*Ordered*, That the clerk inform the Senate.

The House resolved itself into a committee of the whole on the bill to improve the navigation of the east fork of Whitewater;

After some time spent therein the Speaker resumed the chair, and Mr. Gard reported said bill without amendment.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill making an appropriation for the purpose of building fire proof houses to contain the offices of the secretary of state and clerk of the supreme court;

After some time spent therein the Speaker resumed the chair, and Mr. Gray reported said bill with one amendment, which was read and concurred in by the House.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole, on the bill to establish a state road from Liberty in Union county, to New Castle in Henry county;

After some time spent therein the Speaker resumed the chair, and Mr. Guion reported said bill without amendment.

*Ordered*, That the same be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill for the organization of a board of commissioners for the promotion of internal improvement;

After some time spent therein the Speaker resumed the chair, and Mr. Hannah reported the same with several amendments, which were read and concurred in by the House, except the first amendment, to which the House did not concur.

On motion,

Said bill was further amended by filling the blank in the first section with the first Monday in May next, the time of the first meeting of the commissioners.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

## SATURDAY MORNING, DECEMBER 31st, 1825.

The House met pursuant to adjournment.

Mr. Lewis of Franklin, presented a petition of Robert E. Hannab, late sheriff of Franklin county, praying certain money may be refunded him, which he improperly paid into the state treasury; which was read and referred to a select committee of Messrs. Lewis of Franklin, Reed and Gard.

Mr. Craig, presented a petition of John Kirk, and others, of Ripley county, and also a letter from Jesse Cole, praying the reduction of the pay of the members of the General Assembly, and of all other officers of government, whose pay is excessive.

Mr. Walker, also presented a petition of Jesse Cole, and others, of the same county, on the same subject.

Mr. Keen, also presented a petition of James Curry and others, of the same county, on the same subject; which being read,

On motion of Mr. Beckes,

Were referred to the committee on MILITARY affairs.

On motion,

Messrs. Beckes, Craig and Walker, were added to said committee.

Mr. Howk, from the committee on the judiciary to whom were committed the bill to repeal part of the 80th sec. of an act relative to crimes and punishments, reported the same with an amendment; which being twice read, was committed to a committee of the whole House on Tuesday next.

Mr. Pepper, after having obtained leave, presented a bill to amend the "act regulating the inspection of tobacco, approved Dec. 27th, 1816;" which was read and passed to a second reading on Monday next.

Mr. Child, presented the following resolution, for the consideration of the House, to wit:

*Resolved*, That the committee on the two White rivers, be instructed to inquire into the present situation of the dam, at

the falls on the east fork of White river, and report some method, if practicable, whereby such dam may be removed.

Mr. Beckes moved to amend the same, by adding after the word river, in the third line, the words "at Hindostan;" which amendment was adopted.

Mr. Sweetser moved further to amend said resolution, by adding after the word "Hindostan" "and at the falls of Driftwood;" which amendment was also adopted.

Said resolution was then read as amended and adopted by the House.

Mr. Fitzgerald presented the following resolution, for the consideration of the House, to wit:

*Resolved*, That the judiciary committee be and they are hereby instructed to report a bill to amend the act, regulating divorces, so as to require the circuit court of any county, in this state, to assign counsel for any indigent person applying for a divorce, who shall in the opinion of such court be unable to employ counsel.

Mr. Palmer moved to amend said resolution, by directing said committee to enquire into the expediency, &c.; which was adopted.

Mr. Hannah, then moved to indefinitely postpone the further consideration of said resolution as amended; which was decided in the negative.

Said resolution was then read as amended, and adopted by the House.

Mr. Palmer, after having obtained leave, presented a bill to provide for the printing and distribution of the acts, joint resolutions and journals of the General Assembly; which was read and passed to a second reading on Monday next.

Mr. Stanford, moved to re-consider the vote of this House, some days since, rejecting the engrossed bill from the Senate, entitled "An act for the benefit of William Reed;" which was carried in the affirmative. And

On the question being put, shall said bill pass as amended? it was carried in the affirmative: and the ayes and noes being called for by Messrs. Pepper and Craig, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Burnett, Clendenin, Daniel, Gard, Guion, Hannah, Hillis, Jackson, Keen, Ketcham, Lewis of Franklin, Marshall, Paddacks, Palmer, Paxton, Posey, Reed, Riley, Robertson, Rose, Sims, Stewart, Walker, Wallace, Williams and Evans, speaker—26.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Child, Claypool, Craig,

Fitzgerald, Gray, Howk, Johnson, Lomax, Moffatt, Pepper, Richardson, Sweetser and Worth—17.

So said bill passed as amended.

*Ordered*, That the Clerk carry the same to the Senate, and ask their concurrence in said amendment.

Mr. Walker moved to re-consider the vote of this morning, referring to the committee on military affairs, the several petitions presented by Messrs. Walker, Keen and Craig; which was decided in the negative.

And the ayes and noes being called for by Messrs. Keen and Child, are as follows, to wit:

*Those who voted in the affirmative are,*

MESSRS. Blair, Burnett, Craig, Daniel, Gard, Hillis, Palmer, Posey, Reed, Riley, Robertson, Stanford, Stewart, Walker, Williams, Worth and Evans, speaker—17.

*And those who voted in the negative are,*

MESSRS. Baird, Beckes, Boon, Child, Claypool, Clendenin, Fitzgerald, Gray, Guion, Hannah, Howk, Jackson, Johnson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Paxton, Pepper, Richardson, Rose, Sims, Sweetser and Wallace—29.

So said vote was not re-considered.

The House proceeded to consider the orders of the day.

On motion of Mr. Craig,

The House went into a committee of the whole on the bill making an apportionment of Senators and Representatives, to the General Assembly, and the engrossed bill from the Senate, entitled An act, on the same subject:

After some time spent therein the Speaker resumed the chair, and Mr. Hillis reported progress, and asked leave to sit again:

Which leave was accordingly given by the House.

Whereupon,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Sweetser presented a petition of Thomas R. Chinn and others, of Marion county, praying certain relief therein named; which was read and referred to a select committee of Messrs. Sweetser, Paxton and Robertson.

Mr. Richardson presented a petition of C. J. Battell and others, of Posey county, praying certain relief to owners of lots in the town of Springfield, in said county; which was read and

referred to a select committee of Messrs. Richardson, Wallace and Johnson.

Mr. Boon presented a petition of John Heaton and others, of Knox and Sullivan counties, praying that the south fork of Bussion creek, may be declared a public highway, from Eaton's mill, to its mouth, and also the north fork of said creek, from the Shaker's mills, to its mouth; which was read and referred to a select committee of Messrs. Boon, Beckes and Moffatt.

The House again resolved itself into a committee of the whole, on the bills making an apportionment of Senators and Representatives to the General Assembly:

After some time spent therein, the Speaker resumed the chair, and Mr. Hillis reported said bill with one amendment; which was read at the clerk's table, and concurred in by the House.

Mr. Claypool moved further to amend said bill in Sec. 2d, and 30th line, by adding "and to the counties of Fayette and Union, one Representative jointly in addition to one member each;" which was decided in the negative: and the ayes and noes being called for by Messrs. Claypool and Keen, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Child, Claypool, Craig, Daniel, Fitzgerald, Gard, Hannah, Hawk, Keen, Lemon, Lewis of Franklin, Lomax, Paxton, Reed, Richardson, Robertson, Rose, Stanford and Evans, speaker—19.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Clendenin, Gray, Guion, Hillis, Jackson, Johnson, Ketcham, Lewis of Wayne, Marshall, Moffatt, Paddacks, Palmer, Pepper, Posey, Sims, Stewart, Sweetser, Walker, Wallace, Williams and Worth—26.

So said bill was not so amended.

Mr. Gard moved to postpone the further consideration of said bill indefinitely.

Mr. Lomax then moved to lay said bill on the table; which was decided in the negative.

Mr. Johnson moved further to amend the first section of said bill, by attaching the county of Crawford to the county of Harrison, to form one Senatorial district; which was carried in the affirmative.

Mr. Child moved further to amend the 2d sec. of said bill, by striking out two, and inserting one member to the county of Or-

ange; which was decided in the negative: and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Child, Claypool, Craig, Daniel, Gard, Guion, Hawk, Keen, Lemon, Lomax, Paxton, Richardson and Worth—14.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Burnett, Clendenin, Fitzgerald, Gray, Hannah, Hillis, Jackson, Johnson, Ketcham, Lewis of Franklin, Lewis of Wayne, Marshall, Moffatt, Paddacks, Palmer, Pepper, Posey, Reed, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams and Evans, speaker—32.

So said bill was not so amended.

Mr. Claypool moved further to amend said bill, by striking out two in the second sec., and insert one member to the county of Knox.

And debate arising, the previous question was called for by Mr. Beckes.

Whereupon,

The House adjourned until Monday morning, 9 o'clock.

## MONDAY MORNING, JANUARY 2d, 1826.

The House met pursuant to adjournment.

Mr. Claypool presented a petition of the trustees of school district, section 16, township 14, range 13 east, in Fayette county, praying a law to pass to legalize their proceedings; which was read and referred to a select committee of Messrs. Claypool, Rose and Riley.

Mr. Pepper presented a petition of Amos Lane and others, of the town of Lawrenceburgh, praying a revival of the act entitled An act to incorporate the town of Lawrenceburgh, approved December 27th 1815. And also, a remonstrance of Arthur St. Clair Vance and others, citizens of Lawrenceburgh, against the revival of said act.

Which being read,

Mr. Pepper, after obtaining leave, presented a bill



reviving and amending an act entitled An act for the incorporation of the town of Lawrenceburgh, in the county of Dearborn, in the territory of Indiana, approved December 27th 1815, and legalizing and confirming the proceedings of said corporation, and extending the right of suffrage and the powers of the citizens in the same; which was read and passed to a second reading to-morrow.

Mr. Richardson presented a petition of John R. Montgomery and others, citizens of the town of Princeton, in the county of Gibson, praying authority to vacate certain streets in said town.

Which being read,

Mr. Richardson, after having obtained leave, presented a bill authorizing the board of justices in the county of Gibson, to vacate certain streets in the town of Princeton; which was read and passed to a second reading to-morrow.

Mr. Keen presented a petition of Isaiah Hyatt and others, citizens of Ripley and Switzerland counties, praying a reduction of the pay of the members of the General Assembly, and all other officers of government whose pay or salaries are excessive; which was read and referred to the committee of ways and means.

Mr. Lemon presented an account of A. Richardson for certain articles by him furnished the State prison; which was read and referred to the committee of ways and means.

Mr. Moffatt presented a petition of sundry citizens of Knox and Sullivan counties, praying authority to relocate that part of the state road leading from Evansville to Terre-Haute, which lies between Emmerson's mill in Knox county, and Webb's tavern in Sullivan county; which was read and referred to a select committee of Messrs. Moffatt, Boon and Blair.

Mr. Wallace presented a communication signed by Jacob Tommy of Daviess county, praying further regulation relative to the retailers of spiritous liquors and licensing of taverns; which was read and referred to a select committee of Messrs. Wallace, Johnson and Paddacks.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they did on the 31st of December last, present to the Governor, for his approval and signature.

A joint resolution of the General Assembly relative to the agent of the three per cent fund.

Mr. Child, from the select committee to whom was referred the petition of Jeremiah Rowland and others, of Salem, reported a bill to incorporate the town of Salem in the county of Washington; which was read and passed to a second reading to-morrow.

Mr. Child moved to reconsider the vote of this House some days since concurring in the report of the committee on education, relative to the inexpediency of acting on the petition of sundry citizens of Gibson county, relative to the appropriation of the seminary fund of said county, to the erection of a seminary in said county; which was carried in the affirmative.

And on the question being put, will the House concur in said report? it was decided in the negative. And,

On motion,

Said petition was recommitted to a select committee of Messrs. Richardson, Child and Johnson.

Mr. Howk presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the bill making an apportionment for Senators and Representatives be re-committed to a select committee with instructions to report a bill on the ratio of one Representative for 1000 polls, and one Senator for 2500, so that the number of Representatives shall not exceed thirty-seven, and the number of Senators fifteen.

Which being read,

Mr. Gray moved to lay the same on the table, which was decided in the negative: and the ayes and noes being called for by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Gard, Gray, Jackson, Ketcham, Moffatt, Paddacks, Pepper, Robertson, Stanford and Sweetser

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Guion, Hannah, Hillis, Howk, Johnson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Palmer, Posey, Reed, Richardson, Riley, Rose, Sims, Stewart, Walker, Wallace, Williams, Worth and Evans, speaker—35.

So said resolution was not laid on the table.

Mr. Sims then moved to indefinitely postpone the further consideration of said resolution, which was decided in the negative; and the ayes and noes being called for by Messrs. Hillis and Sims, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Fitzgerald, Ketcham, Moffatt, Pepper, Robertson, Sims, Stanford and Sweetser—8.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Daniel, Gard, Gray, Guion, Hannah, Hillis, Howk, Jackson, Johnson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paddacks, Palmer, Paxton, Posey, Reed, Richardson, Riley, Rose, Stewart, Walker, Wallace, Williams, Worth and Evans, speaker—38.

So said resolution was not indefinitely postponed.

Mr. Palmer then moved to postpone the further consideration of said resolution until Wednesday next, which was decided in the negative; and the ayes and noes being called for by Messrs. Lomax and Lemon, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Clendenin, Daniel, Fitzgerald, Gard, Gray, Johnson, Ketcham, Marshall, Moffatt, Paddacks, Palmer, Paxton, Pepper, Reed, Robertson, Sims, Stanford, Stewart, Sweetser and Walker—21.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Clay-

pool, Craig, Guion, Hannah, Hillis, Howk, Jackson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Posey, Richardson, Riley, Rose, Wallace, Williams, Worth and Evans, speaker—25.

So said resolution was not so postponed.

Mr. Sweetser moved further to amend said resolution by striking out 2500 for Senators and inserting 3000, which was decided in the negative; and the ayes and noes being called for by Messrs. Lomax and Lewis of Wayne, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Craig, Fitzgerald, Gard, Gray, Hannah, Hillis, Johnson, Keen, Ketcham, Marshall, Moffatt, Palmer, Paxton, Reed, Riley, Robertson, Sims, Stanford, Sweetser, Walker, Wallace and Williams—22.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Daniel, Guion, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Pepper, Posey, Richardson, Rose, Stewart, Worth and Evans, speaker—24.

So said resolution was not so amended.

Mr. Johnson then moved further to amend said resolution by striking out 1000 for Representatives and inserting 1200. And,

On motion of Mr. Palmer,

The further consideration of said resolution was postponed until to-morrow.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate concur in the amendment made by the House of Representatives to the engrossed bill from the Senate, entitled An act for the benefit of William Reed

They have adopted the following resolution,

*Resolved.* That the Senate do now form themselves into a Court of Impeachment for the trial of Nathaniel W. Marks, sheriff of Rush county; and that the House

of Representatives be informed of the adoption of this resolution, and that the managers on the part of said House, be requested to attend said court to prosecute the charges and specifications preferred by said House of Representatives against said Marks,

On motion of Mr. Howk,

*Resolved*, That the Senate be invited to occupy the Hall of the House of Representatives, when sitting as a Court of Impeachment to try Nathaniel W. Marks, sheriff of Rush county.

*Ordered*, That the clerk inform the Senate.

Mr. Sweetser moved to take up the bills for the apportionment of Senators and Representatives to the General Assembly, which was decided in the negative.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bill entitled,

An act supplemental to an act entitled an act declaring Blue river a public highway and for other purposes: and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

The House proceeded to consider the orders of the day.

The bill to amend the act entitled An act to regulate the inspection of tobacco, approved ———, was read a second time and committed to a committee of the whole House on Wednesday next.

The following bills were read a second time and committed to a committee of the whole House on Friday next, to wit:

The bill to provide for the printing and distribution of the acts, joint resolutions and journals of the present General Assembly;

The bill to vacate certain lots in the town of Indianapolis and for other purposes.

The following bills were read a second time and committed to a committee of the whole House on Thursday next, to wit:

The bill to abolish the office of the agent of the state for the town of Indianapolis; and,

The bill to incorporate the Whitewater canal company.

The bill to dissolve the bands of matrimony between John Hatfield and Drusilla his wife, was read a second time.

Whereupon,

Mr. Worth moved to indefinitely postpone the further consideration of said bill, which was decided in the negative.

And on the question being put, Shall said bill be engrossed and read a third time on Thursday next? it passed in the affirmative: and the ayes and noes being called for by Messrs. Wallace and Child, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Burnett, Claypool, Daniel, Fitzgerald, Gray, Guion, Hannab, Hillis, Jackson, Keen, Ketcham, Lewis of Franklin, Lewis of Wayne, Marshall, Moffatt, Palmer, Paxton, Pepper, Reed, Stanford, Walker and Evans, speaker—23.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Child, Clendenin, Craig, Hawk, Johnson, Lemon, Lomax, Paddacks, Posey, Richardson, Riley, Robertson, Rose, Sims, Stewart, Sweetser, Wallace, Williams and Worth—22.

So said bill was ordered to be engrossed and read a third time on Thursday next.

The bill providing for licensing travelling merchants, was read a second time and committed to a committee of the whole House to morrow.

The following message was received from the Governor by Mr. Wick, his private secretary:

*Mr. Speaker,*

I have it in charge from his excellency the Governor to announce to the House of Representatives, that he did on the 31st ult. approve and sign, the enrolled bills, entitled;

An act to provide for a more certain return of votes for Governor and Lieutenant Governor;

An act authorizing the surviving administratrix of the estate of Harvey Heth, deceased, to sell and convey real estate; and,

An act providing for removing the obstructions in the river Patoka;

All which originated in the House of Representatives. The said bills have been filed in the office of the Secretary of State.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

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TUESDAY MORNING, JANUARY 3d, 1826.

The House met pursuant to adjournment.

Mr. Child, from the standing committee on roads, reported a bill to amend an act entitled An act authorizing the laying off certain state roads, and appropriating \$100,000 of the fund commonly called the three per cent. fund, for opening the same; which was read and passed to a second reading to-morrow.

The Senate came down into the Hall of the House of Representatives and formed themselves into a Court of Impeachment, for the trial of Nathaniel W. Marks, sheriff of Rush county.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

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WEDNESDAY MORNING, JANUARY 4th, 1826.

The House met pursuant to adjournment.

Mr. Howk presented a memorial of Ira Westover, superintendent of the State Prison, praying certain relief; which was

read, and referred to a select committee of Messrs. Howk, Burnett and Lemon.

Mr. Lemon presented an account of Isaac Shelby, of Clark county, for certain services rendered by him as brigade inspector; which was read and referred to the committee on military affairs.

Mr. Paxton presented a petition of sundry citizens of Bartholomew, Shelby and Johnson counties, praying a repeal of the law declaring Sugar creek, a public highway, as far up as the mouth of Young's creek; which was read and referred to a select committee of Messrs. Paxton, Claypool and Stanford.

Mr. Fitzgerald presented a petition of H. B. Chandler and others, praying an appropriation of part of the three per cent. fund, for the purpose of locating and opening a state road, from or near Fredonia, in Crawford county, to the mouth of the Wabash; which was read and referred to the same select committee, to whom was referred the petition of Daniel Miller and others.

Mr. Posey presented an account of Thomas Smith, of Lexington Ky., for certain advertising done by him for the state; which was read and referred to the committee of ways and means.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bill entitled An act for the benefit of William Reed, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they did on the 2d inst. present to the Governor for his approval and signature, an act supplemental to an act entitled An act declaring Blue river a public highway, and for other purposes.

Mr. Child, from the standing committee on education, reported a bill to provide for the sale of the seminary lands in Gibson and Monroe counties; which was read and passed to a second reading to-morrow.

Mr. Richardson, from the select committee to whom was referred the petition of Charles J. Battell and others, reported a bill for the relief of persons owning lots, in the town of Springfield, in the county of Posey; which was read and passed to a second reading to-morrow.



Mr. Child submitted the following report:

*Mr. Speaker,*

The committee on education, to whom was referred the different reports of trustees of county seminaries, report:—

That the following is a correct statement of Seminary funds, in the hands of the different trustees, as referred to this committee, viz:

- Allen county, thirty seven dollars;
- Bartholomew, forty one dollars thirty-four and a half cents;
- Clark, eleven dollars and fifty cents;
- Daviess, two hundred and forty dollars ninety-nine cents;
- Dearborn, seven hundred dollars eighty-seven cents;
- Floyd, one hundred and twenty-two dollars eighty-eight and three fourth cents;
- Green, thirty-nine dollars;
- Gibson, six hundred and seventy-six dollars seventy-five and a half cents;
- Hamilton, fourteen dollars and fifty cents;
- Martin, eighty-one dollars and ninety-nine and a half cents;
- Marion, seventy-five dollars and twenty-five cents;
- Monroe, three hundred and one dollars thirteen cents;
- Montgomery, ten dollars twenty-five cents;
- Orange, five hundred and sixty-nine dollars eighty-five cents;
- Parke, one hundred and twenty-three dollars sixty-two cents; and twenty-six dollars and fifty cents more, assessed but not collected.
- Franklin, six hundred and seventeen dollars fifty-five cents;
- Perry, one hundred and forty-eight dollars and forty-two cents; and fifty-six dollars in judgments not collected.
- Putnam, seventeen dollars and fifty cents;
- Rush, fifty-seven dollars and thirty-seven and a half cents;
- Shelby, thirty-nine dollars and thirty-one and a fourth cents;
- Sullivan, two hundred and twenty-nine dollars and seventy-four cents;
- Scott, fifty-nine dollars and thirty-three cents;
- Vigo, no particular return.

All of which is respectfully submitted.

Mr. Claypool, from the select committee to whom was referred a petition on that subject, reported a bill for the relief of the trustees of section No. 16, town 14, range 13 east, in Fayette county; which was read and passed to a second reading to-morrow.

Mr. Sims, after having obtained leave, presented a bill regulating the admission of attornies and counsellors at law; which was read and passed to a second reading to-morrow.

The House took up the orders of the day.

The bill reviving and amending the act entitled 'An act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory, approved December 26th, 1815, and legalizing and confirming the proceedings of the said corporation and extending the rights of suffrage, and the powers of the citizens within the same.

The bill to amend the act entitled An act authorizing the laying off certain state roads, and appropriating \$100,000 of the fund commonly called the three per cent. fund, for opening the same.

The bill for the formation of a new county out of the county of Delaware, and the bill for the benefit of Jane Martin, were severally read a second time, and committed to a committee of the whole House on Monday next.

The bill in addition to the act concerning the Auditor of Public Accounts, and Treasurer of State, and the bill to incorporate the town of Salem, in the county of Washington, were read a second time and committed to a committee of the whole House on Saturday next.

The bill to amend the act requiring certain public officers to give security, approved January 26th, 1825; and the bill authorizing the board of justices of Gibson county, to vacate certain streets in the town of Princeton, were read a second time and committed to a committee of the whole House on Friday next.

The House resolved itself into a committee of the whole on the bill to amend an act entitled An act regulating the duties and jurisdiction of justices of the peace, approved January 30th, 1824:

After some time spent therein the Speaker resumed the chair, and Mr. Jackson reported said bill with several amendments; which were read and concurred in by the House.

Mr. Worth moved to postpone the further consideration of said bill indefinitely; which was decided in the negative.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill for opening and repairing public roads and highways:

After some time spent therein the Speaker resumed the chair and Mr. Johnson reported progress and asked leave to sit again:

Which leave was refused by the House.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Sweetser,

The orders of the day were dispensed with for the present.

Mr. Sweetser presented a petition of the president and trustees of the Bartholomew county library society, praying an act to pass legalizing their proceedings; which was read and referred to a select committee of Messrs. Sweetser, Stanford and Walker.

Mr. Robertson presented a memorial of sundry citizens of Hendricks county, praying an act to pass legalizing the proceedings of the board of justices of said county; which was read and referred to a select committee of Messrs. Robertson, Sims, and Blair.

On motion of Mr. Howk,

The House took up the following resolution, to wit:

*Resolved*, That the bill making an apportionment for Senators and Representatives, be re-committed to a select committee with instructions to report a bill on the ratio of 1000 polls for Representatives, and one Senator for 2500: So that the number of Representatives shall not exceed 37, and the number of Senators 15.

Mr. Beckes moved to postpone the further consideration of the same, until Monday next; which was decided in the negative: and the ayes and noes being called for by Messrs. Palmer and Howk, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Clendenin, Fitzgerald, Gray, Johnson, Ketcham, Lewis of Franklin, Marshall, Moffatt, Paddacks, Palmer, Pepper, Posey, Reed, Robertson, Sims, Stanford, Stewart, Sweetser and Walker—20.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Claypool, Craig, Daniel, Gard, Guion, Hannah, Hillis, Howk, Jackson, Keen, Lemon, Lewis of Wayne, Lomax, Paxton, Richardson, Riley, Rose, Wallace, Williams, Worth and Evans, speaker—26.

So said resolution was not so postponed.

And on the question being put shall said resolution be adopted? It passed in the affirmative: and the ayes and noes being demanded by Messrs. Sweetser and Walker, are as follows, to wit:

*Those who voted in the affirmative are,*

MESSRS. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Guion, Hannah,

Hillis, Howk, Jackson, Keen, Lemon, Lewis of Wayne, Lomax, Paddacks, Paxton, Posey, Richardson, Riley, Rose, Wallace, Williams, Worth and Evans, speaker—30.

*And those who voted in the negative are,*

Messrs. Gard, Gray, Johnson, Ketcham, Lewis of Franklin, Marshall, Moffatt, Palmer, Pepper, Reed, Robertson, Sims, Stanford, Stewart, Sweetser and Walker—16.

So said resolution was adopted.

Whereupon,

Messrs. Howk, Child, Beckes, Hillis, Worth and Lomax, were appointed said committee.

On motion of Mr. Walker,

*Ordered*, That said committee report on Friday next.

The House resumed the consideration of the orders of the day.

The House resolved itself into a committee of the whole on the bill to authorize the several townships in certain counties in this state to elect township officers:

After some time spent therein, the Speaker resumed the chair, and Mr. Howk reported the same with one amendment; which was read at the clerk's table, and concurred in by the House.

Mr. Hillis, then moved to indefinitely postpone the further consideration of said bill; which was decided in the negative: and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Burnett, Claypool, Clendenin, Daniel, Gray, Hannah, Hillis, Johnson, Lemon, Lewis of Wayne, Lomax, Paddacks, Posey, Riley, Sims, Stewart, Walker, Wallace, Williams and Evans, speaker—21.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Child, Craig, Fitzgerald, Gard, Guion, Howk, Jackson, Keen, Ketcham, Lewis of Franklin, Marshall, Moffatt, Palmer, Paxton, Pepper, Reed, Robertson, Rose, Stanford, Sweetser and Worth—23.

*Ordered*, That said bill be engrossed, and read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill from the Senate, entitled An act concerning prosecuting attornies:

After some time spent therein, the Speaker resumed the chair, and Mr. Keen reported said bill, with several amendments: said amendments were read at the clerk's table, and

concurred in by the House generally, except the fourth amendment, on which the question to concur was taken separately; which was by adding after the word "Governor," in the first section of said bill as follows, "by and with the advice and consent of the Senate." And

On the question being put, will the House concur in said amendment? It passed in the affirmative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Child, Craig, Daniel, Gard, Hannah, Hawk, Jackson, Keen, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Robertson, Rose, Stanford, Stewart, Wallace, Williams and Worth—29.

*And those who voted in the negative are,*

Messrs. Baird, Boon, Burnett, Claypool, Clendenin, Fitzgerald, Gray, Guion, Hillis, Johnson, Lemon, Riley, Sims, Sweetser, Walker and Evans, speaker—16.

So said amendment was concurred in by the House.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, JANUARY 5th, 1826.

The House met pursuant to adjournment.

Mr. Claypool presented a petition of Nancy Heron of Fayette county, praying to be divorced from her husband Jacob Heron;

Which being read,

Mr. Claypool moved to refer the same to the judiciary committee; which was decided in the negative.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill which originated in this House, entitled An act to authorize Jacob Caylor to dig a mill race through part of a school section in Wayne county, without amendment; an engrossed bill also from this House, entitled An act appointing commissioners to re-locate the seat of justice of

Madison county, with amendments; in which they desire the concurrence of this House.

The amendments to the last named bill were read and concurred in by the House.

*Ordered*, That the clerk inform the Senate thereof.

The Speaker laid before the House a memorial of Thomas S. Hinde, on the subject of the navigation of the Wabash; which was read and referred to the select committee to whom was referred that part of the Governor's message which relates to the navigation of said river.

Mr. Clendenin, from the committee of ways and means, made a report of the state and situation of the finances; which was read and concurred in by the House. And,

On motion of Mr. Hillis,

*Ordered*, That the public printer be directed to print 250 copies of the same, for the use of the members of this House.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill of the House of Representatives entitled An act to authorize the lessee of the ferry across White river near Indianapolis, to erect a dwelling house on said premises, without amendment; Also, two engrossed bills of the following titles, viz:—An act providing for ascertaining the expense of supporting the poor annually in this state; and an act to amend an act entitled An act for the better management of the state prison and for other purposes, approved, January 31, 1814.

The last mentioned bills were read the first time and passed to a second reading to-morrow.

Mr. Hawk, from the select committee to whom was referred that part of the Governor's message which relates to connecting the waters of the Miami of Lake Erie and the Wabash river, reported a bill providing for the survey and location of a route for a canal to connect the navigation of the Wabash river and Miami of Lake Erie; which was read and passed to a second reading to-morrow.

Mr. Sweetser, from the select committee to whom was referred a petition of the president and trustees of the Bartholomew county library society, reported a bill to legalize the proceedings of the trustees of said library society; which was read and passed to a second reading to-morrow.

Mr. Howk, from the select committee to whom was re committed the bill making an apportionment of Senators and Representatives with certain instructions, reported the same with an amendment, in pursuance of the instructions of this House; which was read, and with the original bill on that subject, re-committed to a committee of the whole House to day.

Mr. Beckes, after having obtained leave, presented a joint resolution of the General Assembly; which was read and passed to a second reading to morrow.

Mr. Fitzgerald, after having obtained leave, presented a bill establishing a state road from Rockport to Boonville; which was read and passed to a second reading to-morrow.

The Speaker laid before the House a report of Samuel Merrill, Treasurer of State, in pursuance of a resolution of this House some days since, relative to the amount of money paid him by the different agents of the state for the town of Indianapolis; which was read and referred to the standing committee on the affairs of Indianapolis.

The House took up the orders of the day.

The bill regulating the admission of attorneys and counsellors at law, was read a second time and committed to a committee of the whole House on Monday next.

The bill for the relief of the trustees of school section No. 16, township 14, range 13 east, in Fayette county; and the bill for the relief of purchasers of lots in the town of Springfield, in the county of Posey; were read a second time and committed to a committee of the whole House to-morrow.

The bill to provide for the sale of the seminary lands in Gibson and Monroe counties, was read a second time.

Whereupon,

Mr. Palmer moved to indefinitely postpone the further consideration of said bill which was decided in the negative: and the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Burnett, Clendenin, Hannah, Hillis, Hawk, Jackson, Keen, Lewis of Franklin, Moffatt, Paddacks, Palmer, Posey, Reed, Stanford, Stewart, Sweetser, Walker and Williams—20.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Child, Claypool, Craig, Daniel, Fitzgerald, Gray, Guion, Johnson, Ketcham, Lemon, Lewis of Wayne, Lomax, Marshall, Paxton, Pepper, Riley, Robertson, Sims, Wallace, Worth and Evans, speaker—23.

So said bill was not so postponed.

Said bill was then committed to a committee of the whole House on Monday next.

The amendments to the bill from the Senate, entitled An act concerning prosecuting attorneys, were ordered to be engrossed and read a third time to morrow.

The House resolved itself into a committee of the whole on the bill providing for granting conditional reprieves to persons under sentence of death, and providing for the safe keeping of convicts in certain cases:

After some time spent therein the Speaker resumed the chair, and Mr. Ketcham reported said bill with one amendment, which was by striking it out from its enacting clause; in which amendment the House concurred.

On motion of Mr. Boon,

The further consideration of said bill was indefinitely postponed.

The House resolved itself into a committee of the whole on the joint resolution of the General Assembly for the benefit of William W. Wick:

After some time spent therein the Speaker resumed the chair, and Mr. Lemon reported the same with one amendment, which was by striking it out from its re-



solving clause; in which amendment the House concurred.

Mr. Moffatt then moved to postpone the further consideration of said joint resolution indefinitely, which was carried in the affirmative: and the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Gard, Gray, Guion, Hannah, Jackson, Johnson, Keen, Lewis of Wayne, Lomax, Moffatt, Paddacks, Palmer, Riley, Robertson, Rose, Stanford, Stewart, Walker, Wallace, Williams and Worth—29.

*And those who voted in the negative are,*

Messrs. Craig, Daniel, Fitzgerald, Hillis, Howk, Ketcham, Lemon, Lewis of Franklin, Paxton, Pepper, Posey, Reed, Richardson, Sims, Sweetser and Evans, speaker—16.

So said joint resolution was indefinitely postponed.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion,

The House dispensed with the orders of the day for the present.

The Speaker laid before the House the following communication from B. J. Blythe, agent of the state for the town of Indianapolis, to wit:

AGENT'S OFFICE, }  
JANUARY 5th, 1826. }

*The Hon. the Speaker of the  
House of Representatives,*

SIR—My duty, together with some severe remarks on my conduct with regard to the course I have pursued in leasing the squares on Pogue's run, (which a bill now before the House of Representatives proposes to vacate

and order into market.) compels me to lay before this House the situation of those squares, and to ask a committee to examine into my conduct. I cannot rest easy under the censure of any member of your House, when I am conscious my conduct has been upright.

In 1821, six lots in square 80 were sold, on which one payment only has been made. In February, 1823, Wilkes Reagan leased seven lots in square 80: about the same time Daniel Yandes leased seven lots in the same square. In August, 1824, Morris Morris leased eight lots in square 85: shortly after, Thomas Carter seven in square 84. In May, 1825, I leased to Wilkes Reagan four lots in square 80. In November, 1825, nine lots in square 84 to James Dugan. In December, 1825, fifteen lots in square 85 to Henderson and Blake.

As your Agent, I thought it not for the advantage of the state to dispose of those squares; as such, I said so. I have no interest apart from that of the state. There is no land belonging to this commonwealth that is increasing in value so fast; it lies contiguous to that part of the town which has and must continue to improve rapidly; in addition to which, Ponge's run is a never failing stream and passes through said squares.

It is believed it would conduce to the health of the town to have this ground cleared off: the persons who have leased are bound to clear the timber off in four months from the date of their leases; they are afterwards entitled to three month's notice previous to a surrender. Will it not be more to the interest of the state to compel those lessees to clear off the ground, than to sell it and compel the purchasers to do so, within a fixed period, when the timber now on the ground would fall far short of paying for that labour?

Respectfully submitted,

B. J. BLYTHE, Agent  
for Indianapolis.

Which being read;

On motion of Mr. Palmer,

*Resolved*, That a select committee be appointed in pursuance of the request in said communication.

Whereupon,

Messrs. Clendenin, Child, Burnett, Beckes and Robertson were appointed said committee.

Mr. Richardson, from the select committee to whom was referred a petition of J. Arbuthnot and others, of Gibson county, reported a bill incorporating a seminary in the county of Gibson; which was read and passed to a second reading to-morrow.

On motion of Mr. Lemon,

The House took up the bill for the relief of the heirs of Benjamin Warner, deceased.

The amendments made by the Senate to said bill were then read and concurred in by the House.

*Ordered*, That the clerk inform the Senate thereof.

The House resumed the consideration of the orders of the day.

Mr. Sweetser moved to discharge the committee of the whole, to whom was committed the bill reported to this House, this morning, making an apportionment of Senators and Representatives, from the further consideration of the same; which was decided in the negative.

The House then resolved itself into a committee of the whole on said bill:

After some time spent therein the Speaker resumed the chair, and Mr. Clendenin reported said bill with several amendments; which were read at the clerk's table and concurred in by the House.

Mr. Moffatt then moved to lay said bill on the table, which was decided in the negative: and the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Daniel, Fitzgerald, Gard, Gray, Hannah, Johnson, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Paxton, Reed, Richardson, Robertson, Sims, Stanford, Stewart and Evans, speaker—21.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Guion, Hillis, Howk, Jackson, Keen,

Ketcham, Lemon, Lewis of Franklin, Paddacks, Pepper, Posey, Riley, Rose, Sweetser, Walker, Wallace, Williams and Worth—25.

So said bill was not laid on the table.

Mr. Walker then moved to indefinitely postpone the further consideration of said bill, which was also decided in the negative: and the ayes and noes being demanded by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Daniel, Gard, Gray, Hannah, Johnson, Ketcham, Marshall, Moffatt, Palmer, Robertson, Sims, Stanford, Stewart, Sweetser, Walker and Evans, speaker—18.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Fitzgerald, Guion, Hillis, Howk, Jackson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Paxton, Pepper, Posey, Reed, Richardson, Riley, Rose, Wallace, Williams and Worth—28.

So said bill was not indefinitely postponed.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills entitled,

An act to authorize Jacob Caylor to dig a mill race through part of a school section in Wayne county;

An act authorizing the lessee of the ferry across White river near Indianapolis, to erect a dwelling house on said premises; and,

An act appointing commissioners to re-locate the seat of justice of Madison county; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered,* That the clerk carry the same to the Senate for the signature of their President.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, JANUARY 6th, 1826.

The House met pursuant to adjournment.

Mr. Boon, from the select committee to whom was referred a petition of John Heaton and others, reported a bill declaring Busseron creek a public highway; which was read the first time and passed to a second reading to-morrow.

Mr. Richardson, from the select committee to whom was committed the bill to amend the act regulating the practice of physic and surgery in this state, reported the same with an amendment; which was twice read, and committed to the same committee of the whole to whom was committed the bill regulating the admission of attorneys and counsellors at law.

Mr. Palmer presented the following resolution; which was read and ordered to lie on the table, to wit:

*Resolved*, That this House will not receive any new business to be acted on during this session, after Tuesday next.

Mr. Fitzgerald, from the select committee to whom was referred sundry petitions on that subject, reported a bill in addition to the act entitled An act laying off certain state roads, and appropriating \$100,000 of the fund commonly called the three per cent fund for opening the same, approved, December 31st 1821; which was read and passed to a second reading to-morrow.

On motion,

Mr. Richardson was added to the select committee to whom was referred the subject of an advalorem system of taxation.

Mr. Claypool, after having obtained leave, presented a bill relative to the recorders offices in the several counties in this state; which was read and passed to a second reading to-morrow.

Mr. Rose, from the select committee to whom was referred the petition of William Sangston and others of Union county, reported a bill to authorize a lottery for the purpose of erecting a bridge over the east fork of Whitewater at Brownsville; which was read and passed to a second reading to-morrow.

Mr. Guion, after having obtained leave, presented a bill to amend the act regulating enclosures, approved, January 22d 1818; which was read and passed to a second reading to-morrow.

Mr. Keen, from the select committee to whom was re-committed the bill to encourage agriculture and manufactures, reported the same with a substitute, entitled a bill concerning wolves and dogs; which was read the first time and committed to a committee of the whole House to-morrow.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have received official information that his Excellency the Governor, did on the 19th day of December approve and sign, A joint resolution of the General Assembly.

That on the 31st of December 1825 he approved and signed, An act for the relief of William Youse former sheriff of Union county; An act for the relief of Jonathan Gifford and others; A joint resolution of the General Assembly relative to the agent of the three per cent fund. And,

That on the 4th instant he approved and signed, An enrolled bill entitled an act supplemental to an act entitled An act declaring Blue river a public highway and for other purposes.

All of which originated in the Senate.

They have also passed an engrossed bill entitled an act amendatory of the law, and for the better advancement of justice; in which they request the concurrence of the House of Representatives.

The last mentioned bill was read the first and second times, the rule having first been dispensed with, and committed to a committee of the whole on Monday next.

Mr. Sweetser, from the select committee to whom was referred a petition of Thomas Chinn and others of Marion county, reported a bill for the relief of sundry persons therein named; which was read the first time.

Whereupon,

Mr. Lewis of Wayne moved to reject said bill; which was decided in the negative.

Said bill was then ordered to be read a second time to-morrow.

Mr. Keen, after having obtained leave, presented a bill supplemental to an act entitled An act requiring the Secretary of State to procure a letter book for the use of this state, approved, December 22d 1825; which was read and passed to a second reading to morrow.

The House proceeded to consider the orders of the day.

The bill reported to this House on yesterday making an apportionment of Senators and Representatives to the General Assembly, was taken up.

Mr. Hannah moved to amend said bill, so as to make Wayne county form one Senatorial district, Union, Fayette, Randolph and Allen counties, one Senatorial district, and the counties of Franklin, Rush and Henry, one Senatorial district; which was decided in the negative: and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Daniel, Gard, Gray, Hannah, Keen, Ketcham, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Pepper, Robertson, Sims, Stanford, Stewart, Sweetser, Walker and Evans, speaker—20.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Fitzgerald, Guion, Hillis, Howk, Jackson, Johnson, Lemon, Lewis of Franklin, Paddacks, Paxton, Posey, Reed, Riley, Rose, Wallace, Williams and Worth—25.

So said bill was not so amended.

Mr. Baird moved to amend said bill in the first section by striking out the words "and Jackson," after the word Washington, so as to make the county of Washington, form one Senatorial district; which was decided in the negative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Child, Daniel, Gard, Gray, Hannah, Johnson, Keen, Ketcham, Marshall, Moffatt, Palmer, Richardson, Robertson, Sims, Stanford, Stewart, Sweetser, Walker and Evans, speaker—21.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Claypool, Clendenin, Craig, Fitzgerald, Guion, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Paxton, Pepper, Posey, Reed, Riley, Rose, Wallace, Williams and Worth—25.

So said bill was not so amended.

Mr. Hannah moved further to amend said bill, so as to make the county of Wayne, form one Senatorial district; the counties of Union and Franklin, one Senatorial district, and the counties of Fayette, Henry, Rush, Randolph and Allen, one Senatorial district; which was decided in the negative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Gard, Gray, Hannah, Keen, Ketcham, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Robertson, Sims, Stanford, Stewart, Sweetser, Walker and Evans, speaker—19.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Guion, Hillis, Howk, Jackson, Johnson, Lewis of Franklin, Lemon, Paddacks, Paxton, Pepper, Posey, Reed, Richardson, Riley, Rose, Wallace, Williams and Worth—27.

So said bill was not so amended.

Mr. Beckes moved to re-commit said bill, and the original bill reported to this House, on the same subject, to a committee of the whole House to-day; which was decided in the negative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Daniel, Fitzgerald, Gard, Gray, Hannah, Johnson, Keen, Ketcham, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Robertson, Sims, Stanford, Stewart, Sweetser, Walker and Evans, speaker—22.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Guion, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Paddacks, Paxton, Pepper, Posey, Reed, Richardson, Riley, Rose, Wallace, Williams and Worth—24.

So said bill was not so re-committed.



Mr. Gray moved to amend the second section of said bill so as to give the counties of Jackson and Scott, one Representative each; which was decided in the negative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Daniel, Gard, Gray, Hannah, Johnson, Ketcham, Marshall, Moffatt, Palmer, Robertson, Sims, Stanford, Stewart, Sweetser; Walker and Evans, speaker—17.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Guion, Hillis, Howk, Jackson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Paxton, Pepper, Posey, Reed, Richardson, Riley, Rose, Wallace, Williams and Worth—28.

So said bill was not so amended.

Mr. Robertson moved further to amend the first section of said bill by striking the county of Vermillion, from the counties of Montgomery and Wabash, and attaching it to the counties of Parke, Vigo, Sullivan, Greene and Clay, to form one Senatorial district; which was decided in the affirmative.

Mr. Johnson moved further to amend said bill, by striking it out from its enacting clause, and inserting the following in lieu thereof:

“That for the purpose of electing senators to the General Assembly for the next succeeding five years, this state shall be divided into the following senatorial districts, to wit: the counties of Posey, Vanderburg and Gibson shall form one district; the counties of Warrick, Spencer, Pike, Dubois and Perry one district; the counties of Orange, Lawrence and Martin one district; the counties of Daviess, Knox and Sullivan one district; the counties of Vigo, Parke and Vermillion one district; the counties of Montgomery, Fountain, Tippecanoe, Putnam, Clay, Morgan, Hendricks and Wabash one district; the counties of Monroe, Greene and Owen one district; the counties of Harrison and Crawford one district; the counties of Clark and Floyd one district; the county of Washington one district; the counties of Jefferson and Jennings one district; the counties of Scott, Jackson, Bartholomew, and the country east of Monroe and west of Bartholomew one district; the counties of Decatur, Shelby, Johnson, Marion and Hamilton one

district; the counties of Rush, Henry, Madison, Delaware, Randolph and Allen one district; the county of Wayne one district; the counties of Union and Fayette one district; the county of Franklin one district; the county of Dearborn one district; and the counties of Switzerland and Ripley one district; and each of the said districts shall be entitled to and elect one senator.

Sec. 2. That for the purpose of electing representatives to the General Assembly for the next succeeding five years, the several districts shall be entitled to and elect as follows, to wit: the counties of Posey and Vanderburg two representatives; the county of Warrick one representative; the counties of Spencer and Perry one representative; the county of Crawford one representative; the county of Gibson one representative; the counties of Pike and Dubois one representative; the county of Orange two representatives; the county of Lawrence one representative; the counties of Daviess and Martin one representative; the county of Knox two representatives; the county of Sullivan one representative; the county of Vigo one representative; the county of Parke and Vermillion one representative; the counties of Montgomery, Fountain, Tippecanoe and Wabash one representative; the counties of Putnam and Clay one representative; the counties of Morgan and Hendricks one representative; the county of Monroe one representative; the counties of Owen and Greene one representative; the county of Harrison two representatives; the county of Clark two representatives; the county of Floyd one representative; the county of Washington two representatives; the county of Jefferson two representatives; the county of Jennings one representative; the county of Scott one representative; the county of Jackson one representative; the county of Bartholomew and the country lying between it and Monroe one representative; the county of Decatur one representative; the counties of Shelby and Johnson one representative; the counties of Marion and Hamilton one representative; the county of Rush one representative; the counties of Henry, Delaware and Madison one representative; the counties of Randolph and Allen one representative: the county of

Wayne three representatives, the county of Fayette one representative, the county of Union one representative, and the counties of Fayette and Union one representative jointly, the county of Franklin two representatives, the county of Dearborn three representatives, the county of Switzerland two representatives, the county of Ripley one representative.

A division of the question being called for, the question was taken, on striking out said bill from its enacting clause; which was decided in the negative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Daniel, Fitzgerald, Gard, Gray, Hannah, Johnson, Keen, Ketcham, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Richardson, Robertson, Sims, Stanford, Stewart, Sweetser, Walker and Evans, speaker—23.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Guion, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Paddacks, Paxton, Pepper, Posey, Reed, Riley, Rose, Wallace, Williams and Worth—23.

So said bill was not so amended.

Mr. Howk then moved that said bill be engrossed and read a third time to-morrow; which was decided in the negative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Guion, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Paddacks, Paxton, Pepper, Posey, Reed, Riley, Rose, Wallace, Williams and Worth—23.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Daniel, Fitzgerald, Gard, Gray, Hannah, Johnson, Keen, Ketcham, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Richardson, Robertson, Sims, Stanford, Stewart, Sweetser, Walker and Evans, speaker—23.

So said bill was rejected.

The joint resolution of the General Assembly, was read a second time, and committed to a committee of the whole House on Monday next.

The bill to establish a state road from Rockport to Boonville, was read a second time,

Whereupon,

Mr. Boon moved to indefinitely postpone the further consideration thereof; which was decided in the negative.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Beckes moved to take up the original bill making an apportionment of Senators and Representatives to the General Assembly; which was reported to this House, by the select committee, appointed on that subject.

The Speaker decided said motion to be in order.

From which decision Messrs. Howk, Child and Hillis, appealed to the House.

And on the question being put, Is the decision of the chair correct? it passed in the affirmative.

And on the question being put, Will the House take up said bill? it was carried in the affirmative.

Mr. Child moved to re-commit said bill to a committee of the whole House to-morrow; which was decided in the negative.

Mr. Johnson moved to amend the first section of said bill so that the counties of Posey, Vanderburgh and Gibson, should form one Senatorial district, and the counties of Warrick, Spencer, Pike, Dubois and Perry, should also form one Senatorial district; which was decided in the affirmative.

Mr. Richardson moved to amend the second section, of said bill, so as to give the counties of Vanderburg and Warrick, one Representative each; which was also decided in the affirmative.

Mr. Keen moved further to amend the second section of said bill so as to give the county of Switzerland two Representatives, instead of one; which was also carried in the affirmative.

Mr. Craig moved further to amend the second section of said bill so as to give to the county of Ripley, two Representatives instead of one; which was decided in the negative.

Mr. Rose moved further to amend the second section of said bill, so that the counties of Fayette and Union, should be entitled to one Representative jointly in addition, and that the county of Fayette should have the right to elect said Representative the first year, and Union the next year, and so alternately; which was also carried in the affirmative.

Mr. Craig then moved further to amend the second section of said bill so that the counties of Harrison and Crawford

should be entitled to three Representatives jointly; which was decided in the negative.

Mr. Blair moved further to amend the second section of said bill so as to give the county of Parke, one Representative; the counties of Vermillion and Fountain, one Representative jointly, and the counties of Montgomery, Tippecanoe and Wabash, one Representative jointly; which was decided in the negative.

Mr. Williams moved further to amend the second section of said bill so as to give the county of Lawrence two Representatives, instead of one; which was also decided in the negative.

Mr. Child then moved to further amend the second section of said bill, so as to give the county of Clark three, instead of two Representatives; which was also decided in the negative.

Mr. Lomax then moved to further amend the second section of said bill, so as to give the county of Wayne four, instead of three Representatives; which was also decided in the negative.

Mr. Hawk then moved further to amend said bill, by striking it out from its enacting clause, and inserting the following in lieu thereof, to wit:

That for the purpose of electing senators and representatives to the General Assembly for the next five years, the state be and the same is hereby divided into districts, as follows, to wit: the counties of Posey, Vanderburg, Warrick, Spencer, Perry and Dubois shall form one district: the counties of Knox, Gibson, Pike and Daviess one district: the counties of Orange, Lawrence and Martin one district: the counties of Harrison and Crawford one district: the counties of Clark and Floyd one district: the counties of Washington and Jackson one district: the counties of Jefferson, Jennings and Scott one district: the counties of Switzerland, Ripley and Decatur one district: the county of Dearborn one district: the counties of Franklin and Rush one district: the counties of Union, Fayette, Randolph and Allen one district: the county of Wayne one district: the counties of Bartholomew, Shelby, Henry, Marion, Johnson, Madison, Hamilton and Delaware one district: the counties of Monroe, Morgan, Owen, Putnam, Hendricks, Fountain, Montgomery and Wabash one district: the counties of Parke, Vigo, Sullivan, Greene, Vermillion and Clay one district: and each of the said districts shall be entitled to one senator.

SEC. 2. That for the purpose of electing representa-

tives to the General Assembly for the next succeeding five years, the state be and the same is hereby divided as follows, to wit: the county of Posey one representative: the counties of Vanderburg and Warrick one representative: the counties of Perry, Spencer and Dubois one representative: the counties of Gibson and Pike one representative: the county of Knox one representative: the counties of Daviess and Martin one representative: the county of Lawrence one representative: the county of Orange one representative: the counties of Harrison and Crawford two representatives: the counties of Clark and Floyd two representatives: the county of Washington two representatives: the counties of Jackson and Scott one representative: the counties of Jefferson and Jennings two representatives: the county of Switzerland one representative: the counties of Ripley and Decatur one representative: the county of Dearborn two representatives: the counties of Franklin and Rush two representatives: the county of Union one representative: the county of Fayette one representative: the counties of Wayne, Randolph and Allen three representatives: the counties of Henry, Madison, Hamilton and Delaware one representative: the counties of Marion and Johnson one representative: the counties of Shelby and Bartholomew, and the country west of Bartholomew and east of Monroe one representative: the counties of Monroe and Morgan one representative: the counties of Owen, Putnam and Hendricks one representative: the counties of Montgomery, Fountain, Tippecanoe and Wabash one representative: the counties of Parke and Vermillion one representative: the counties of Vigo and Clay one representative: the counties of Sullivan and Greene one representative.

A division of the question being called for, the question was taken on striking out said bill from its enacting clause; which was decided in the negative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs Baird, Blair, Boon, Burnett, Child, Claypool, Craig, Guion, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Pad-dacks, Paxton, Pepper, Posey, Riley, Rose, Williams and Worth—21.

*And those who voted in the negative are,*

Messrs. Beckes, Clendenin, Daniel, Fitzgerald, Gard, Gray, Hannab, Johnson, Keen, Ketcham, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Reed, Richardson, Robertson, Sims, Stanford, Stewart, Sweetser, Walker, Wallace and Evans' speaker—25.

So said bill was not so amended.

And on the question being put, Shall said bill be engrossed, and read a third time to-morrow? it was decided in the negative: and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

MESSRS. Beckes, Daniel, Fitzgerald, Gard, Gray, Hannab, Johnson, Keen, Ketcham, Lewis of Franklin, Marshall, Moffatt, Palmer, Reed, Richardson, Robertson, Rose, Sims, Stanford, Stewart, Sweetser Walker and Wallace,—23.

*And those who voted in the negative are,*

MESSRS. Baird, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Guion, Hillis, Hawk, Jackson, Lemon, Lewis of Wayne, Lomax, Paddacks, Paxton, Pepper, Posey, Riley, Williams, Worth and Evans, speaker—23.

So said bill was rejected.

Mr. Craig moved to discharge the committee of the whole to whom was committed the bill from the Senate, entitled An act making an apportionment of Senators and Representatives to the General Assembly, from the further consideration of the same; which was decided in the affirmative.

Mr. Palmer then moved to lay said bill on the table; which was decided in the negative.

Mr. Beckes presented the following resolution, for the consideration of the House, to wit:

*Resolved,* That the bill from the Senate, for the apportionment of Senators and Representatives be committed to a select committee, with directions to report an amendment to said bill permitting the representation in the old counties, to remain as it now is, and that the new counties have a representation upon the ratio of not less than 700 for Representatives and 1800 for Senators.

Mr. Walker moved to strike out the words "not less than," in said resolution; which was decided in the negative.

And the ayes and noes being called for by two members, on the adoption of said resolution, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Boon, Child, Fitzgerald, Gray, Gard,

Johnson, Keen, Marshall, Moffatt, Paxton, Reed, Richardson, Rose, Sims, Stanford, Stewart, Sweetser and Walker—20.

*And those who voted in the negative are,*

Messrs. Blair, Burnett, Claypool, Clendenin, Craig, Daniel, Guion, Hannah, Hillis, Howk, Jackson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Pepper, Posey, Robertson, Wallace, Williams, Worth and Evans, speaker—24.

So said resolution was not adopted.

Mr. Robertson moved to amend the first section of said bill so as to attach Vermillion county, to the counties of Sullivan, Vigo and Clay, to form a Senatorial district; which was decided in the negative: and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Clendenin, Gard, Ketcham, Marshall, Palmer, Robertson, Stanford, Sweetser Walker, Williams, Worth and Evans, speaker—12.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Craig, Daniel, Fitzgerald, Gray, Guion, Hannah, Hillis, Howk, Jackson, Johnson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Paxton, Pepper, Posey, Reed, Richardson, Rose, Stewart, and Wallace—31.

So said bill was not so amended.

Mr. Robertson moved further to amend the said first section, by adding the county of Parke to the said Senatorial district; which was determined in the negative.

Mr. Palmer moved to amend the second section of said bill so as to give to the counties of Wayne and Dearborn, only three Representatives instead of four, which they now have, and to give to the counties of Washington and Clark only two Representatives instead of three, which they now have; which was also decided in the negative: the ayes and noes being demanded by two members:

*Those who voted in the affirmative are,*

Messrs. Craig, Gray, Hillis, Ketcham, Lewis of Franklin, Marshall, Moffatt, Paddacks, Palmer, Paxton, Posey, Reed, Richardson, Robertson, Sims, Stanford, Stewart, Walker, Wallace and Williams—20.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Clay-



pool, Clendenin, Daniel, Fitzgerald, Gard, Guion, Hannah, Howk, Jackson, Johnson, Keen, Lemon, Lewis of Wayne, Lomax, Pepper, Riley, Rose, Sweetser, Worth and Evans, speaker—26.

So said bill was not so amended.

Mr. Rose moved to insert after the word "jointly," in the — line of said second section, the following "the county of Fayette to elect said joint Representative the first year, the county of Union the second year, and so alternately;" which was decided in the negative.

The question was then put, shall said bill be read a third time now? and it passed in the affirmative: and the ayes and noes being demanded by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Clendenin, Daniel, Fitzgerald, Gard, Guion, Hannah, Howk, Jackson, Johnson, Keen, Lemon, Lewis of Wayne, Paxton, Pepper, Richardson, Riley, Rose, Sims, Stewart, Williams, Worth and Evans, speaker—23.

*And those who voted in the negative are,*

Messrs. Claypool, Craig, Gray, Hillis, Ketcham, Lewis of Franklin, Lomax, Marshall, Moffatt, Paddacks, Palmer, Posey, Reed, Robertson, Stanford, Sweetser, Walker and Wallace—18.

Said bill was then read a third time: and on the question being put, Shall said bill pass? it was determined in the negative: and the ayes and noes being called for by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Daniel, Fitzgerald, Gard, Guion, Hannah, Howk, Johnson, Keen, Lemon, Lewis of Wayne, Paxton, Richardson, Sims, Stanford, Stewart, and Evans, speaker—18.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Burnett, Child, Claypool, Clendenin, Craig, Gray, Hillis, Jackson, Ketcham, Lewis of Franklin, Lomax, Marshall, Moffatt, Paddacks, Palmer, Pepper, Posey, Reed, Riley, Robertson, Rose, Sweetser, Walker, Wallace, Williams and Worth—28.

So said bill was rejected.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, JANUARY 7th, 1826.

The House met pursuant to adjournment.

Mr. Palmer, presented a petition of James H. Wallace sheriff of Jefferson county, praying certain relief; which was read and referred to a select committee of Messrs. Palmer, Hillis and Walker, with leave to report by bill or otherwise.

Mr. Clendenin, from the committee of ways and means, reported a bill amendatory of the several acts for assessing and collecting the revenue; which was read the first and second times, the rule having been first dispensed with, and committed to a committee of the whole House on Monday next.

Mr. Marshall, from the select committee to whom was referred that part of the message of the Governor which relates to the navigation of the White rivers, reported a bill to improve the navigation of the east and west forks of White river; which was read the first and second times, the rule having been first dispensed with, and committed to a committee of the whole House on Monday next.

Mr. Moffatt, from the select committee to whom was referred a petition of sundry citizens in the counties of Knox and Sullivan, reported a bill for altering part of the state road from Evansville to Terre Haute; which was read the first time.

Whereupon,

Mr. Boon moved to reject said bill; which was carried in the affirmative.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they did on yesterday present to the Governor for his approval and signature,

An act for the benefit of William Reed.

Mr. Stanford, after having obtained leave, presented a bill supplemental to the act relative to county boundaries, approved, January 31st 1824; which was read the first time. And,

On motion of Mr. Lewis of Wayne,

Said bill was rejected.

The Speaker laid before the House a communication

and report of John J. Neely, Walter Wilson and James Smith, commissioners appointed to sell the seminary land in Gibson county; which was read and referred to the committee of ways and means.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they have compared the engrossed with the enrolled bill, entitled An act for the relief of the heirs of Benjamin Warner, deceased, and for other purposes, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The Senate have passed an engrossed bill from this House, entitled An act to improve the navigation of the Muscatituck rivers, with an amendment; also, an engrossed bill entitled An act to alter the times of holding courts in the counties of Crawford and Floyd: in which bill and amendment the concurrence of this House is requested.

The amendment to the first named bill was read and concurred in by the House.

*Ordered*, That the clerk inform the Senate thereof.

The last named bill was read the first time and passed to a second reading on Monday next.

Mr. Child moved to re-consider the vote of yesterday on rejecting the bill from the Senate entitled An act making an apportionment of Senators and Representatives to the General Assembly: which was determined in the negative: and the ayes and noes being required by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Daniel, Fitzgerald, Guion, Hannah, Hawk, Jackson, Johnson, Lemon, Lewis of Wayne, Moffatt, Paxton, Reed, Richardson, Rose, Sims, Stewart, Wallace and Worth—24.

*And those who voted in the negative are,*

Messrs. Baird, Craig, Gard, Gray, Hillis, Keen, Ketcham, Lewis of Franklin, Lomax, Marshall, Paddacks, Palmer, Pepper, Posey, Riley, Robertson, Stanford, Sweetser, Walker, Williams and Evans, speaker—21.

So the House reconsidered said vote.

Mr. Child then moved to lay said bill on the table; which was disagreed to by the House.

And on the question being put, Shall said bill pass? It was determined in the negative: and the ayes and noes being required by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Child, Clendenin, Daniel, Fitzgerald, Gard, Guion, Hannah, Howk, Johnson, Keen, Ketcham, Lemon, Lewis of Wayne, Moffatt, Paxton, Richardson, Rose, Sims, Stewart and Evans, speaker—23.

*And those who voted in the negative are,*

Messrs. Baird, Burnett, Claypool, Craig, Gray, Hillis, Jackson, Lewis of Franklin, Lomax, Marshall, Paddacks, Palmer, Pepper, Posey, Reed, Riley, Robertson, Stanford, Sweetser, Walker, Wallace, Williams and Worth—23.

So said bill was again rejected.

The House proceeded to consider the orders of the day.

The engrossed bill from the Senate, entitled An act for the better management of the state prison and for other purposes, was read a second time and ordered to be read a third time on Monday next.

The bill to provide for a survey and location of a route for a canal to connect the navigation of the Wabash river and the Miami of lake Erie, was read a second time and committed to a committee of the whole House on Monday next.

The bill to legalize the proceedings of the trustees of the Bartholomew county library, was read a second

time, rule dispensed with, considered as engrossed, read a third time and passed.

*Ordered*, That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill from the Senate, entitled An act providing for ascertaining the expense of supporting the poor, was read a second time and ordered to third reading on Monday next.

The bill incorporating a seminary in the county of Gibson, was read a second time and ordered to be engrossed and read a third time on Monday next.

The bill to authorize a lottery to build a bridge over the east fork of Whitewater, at Brownsville, was read a second time:

Whereupon,

On motion of Mr. Lemon,

The further consideration thereof was indefinitely postponed.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed the following engrossed bills from the House of Representatives, entitled Acts, viz:

An act to amend the act entitled an act prescribing the mode of changing the venue, approved January 28, 1824: And,

An act authorizing John W. Cox to erect a mill dam across the west fork of White river, with amendments.

Also, the following engrossed bills, entitled Acts, to wit:

An act authorizing the leasing of Royce's lick reserve:

An act to change the names of certain persons:

And a joint resolution of the General Assembly for the benefit of the securities of Martin H. Tucker, deceased.

In which joint resolution and acts, together with the amendments to the first named acts, the concurrence of the House of Representatives is requested.

The amendments to the two first named bills, made by the Senate, were read and agreed to by the House,

except the third amendment to the first named bill, to which the House disagreed.

*Ordered*, That the clerk inform the Senate thereof.

The bill to change the names of certain persons therein named, was read the first time:

Whereupon,

Mr. Walker moved to reject said bill; which was decided in the negative.

The rule was then dispensed with, the bill read a second and third time, and on the question being put, Shall said bill pass? it passed in the affirmative: and the ayes and noes being required by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Boon, Burnett, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gard, Guion, Hillis, Hawk, Jackson, Johnson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Palmer, Paxton, Pepper, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Williams, Worth and Evans, speaker—39.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Gray, Hannah, Posey and Wallace—6.

The bill from the Senate authorizing the leasing of Royce's lick, and the joint resolution for the benefit of the securities of Martin H. Tucker, deceased, were read the first time and passed to a second reading on Monday next.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Craig,

The orders of the day were dispensed with for the present:

Mr. Craig, from the select committee to whom was referred the petition of Levi House and others, of Jefferson county, reported a bill to amend the act entitled An act to establish a state road from Aurora, in Dearborn county, to Napoleon, in Ripley county, and certain other roads therein named, approved January 6, 1823; which was read the first and second time, the rule having been dispensed with, and committed to a committee of the whole House on Tuesday next.

Mr. Lomax, after having obtained leave, presented a joint resolution of the General Assembly relative to an apportionment of senators and representatives; which was read the first time and passed to a second reading on Monday next.

Mr. Craig moved to re-consider the vote of yesterday on the question to engross the bill making an apportionment of senators and representatives to the General Assembly, reported to this House by the select committee on that subject: and on the question being put, Shall said vote be re-considered? it was determined in the negative; and the ayes and noes being required by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Claypool, Craig, Daniel, Gard, Gray, Hillis, Keen, Ketcham, Lewis of Franklin, Marshall, Palmer, Reed, Richardson, Riley, Robertson, Sims, Stanford, Stewart, Sweetser and Walker—20.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Clendenin, Fitzgerald, Guion, Hannah, Howk, Jackson, Johnson, Lemon, Lewis of Wayne, Lomax, Moffatt, Paddacks, Paxton, Pepper, Posey, Rose, Wallace, Williams, Worth and Evans, speaker—26.

So the House refused to re-consider said vote.

Mr. Hannah then moved to re-consider the vote of yesterday on the question to engross for third reading of the bill making an apportionment of Senators and Representatives to the General Assembly, reported to this

House on Thursday last, by Mr. Howk, in pursuance of a resolution of Wednesday last.

And on the question being put, will the House reconsider said vote? it was determined in the affirmative: and the ayes and noes being required by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Claypool, Craig, Guion, Hannah, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Riley, Rose, Williams and Worth—26.

*And those who voted in the negative are,*

Messrs. Beckes, Clendenin, Daniel, Fitzgerald, Gard, Gray, Johnson, Keen, Ketcham, Marshall, Moffatt, Richardson, Robertson, Sims, Stanford, Stewart, Sweetser, Walker, Wallace and Evans, speaker—20.

And so the House reconsidered said vote.

Mr. Beckes moved to lay said bill on the table; which motion was decided in the negative; and the ayes and noes being required thereon, by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Daniel, Fitzgerald, Gard, Johnson, Keen, Ketcham, Marshall, Moffatt, Sims, Stanford, Stewart and Evans, speaker—14.

*And those who voted in the negative are,*

Messrs. Baird, Boon, Burnett, Child, Claypool, Clendenin, Craig, Gray, Guion, Hannah, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Richardson, Riley, Robertson, Rose, Sweetser, Walker, Wallace, Williams and Worth—32.

And so the House refused to lay said bill on the table.

Mr. Palmer presented the following resolution for the consideration of the House, to wit:

*Resolved, That the bill under consideration making*



an apportionment of Senators and Representatives to the General Assembly at a ratio of 1000 polls for Representatives, and 2500 for Senators, be re committed to a select committee with instructions to report a bill making not less than seventeen nor more than nineteen Senators, and not less than forty-six nor more than fifty Representatives.

Which being read,

And the question being put, Shall said resolution be adopted? it was decided in the negative; and the ayes and noes being required by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Gard, Gray, Keen, Marshall, Moffatt, Palmer, Robertson, Stanford, Stewart, Sweetser, Walker and Evans, speaker—12

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Guion, Hannah, Hillis, Howk, Jackson, Johnson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Paxton, Pepper, Posey, Reed, Richardson, Riley, Rose, Sims, Wallace, Williams and Worth—34.

And so said resolution was not adopted.

Mr. Child presented the following resolution for the consideration of the House, to wit:

*Resolved,* That the bill now before the House making an apportionment of senators and representatives be re committed to a select committee, with instructions to report a bill making an apportionment on the ratio of not less than 900 for representatives and 2200 for senators.

Which being read, and the question being put, Shall said resolution be adopted? it was decided in the negative: and the ayes and noes being required by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Burnett, Child, Gray, Keen and Wallace—6.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gard, Guion, Hannah, Hillis, Howk, Jackson, Johnson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Williams, Worth and Evans, speaker—40.

And so said resolution was not adopted.

Mr. Hannah moved to amend the first section of said bill so as to make the county of Wayne form one senatorial district, and attach the counties of Randolph and Allen to the counties of Union and Fayette, to form a senatorial district, and to insert the word Henry after Hamilton.

And on the question being put, Shall the bill be so amended? it was decided in the negative: and the ayes and noes being required by Messrs. Sweetser and Claypool, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Burnett, Claypool, Craig, Hannah, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Posey, Wallace and Worth—15.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Child, Clendenin, Daniel, Fitzgerald, Gard, Gray, Johnson, Keen, Ketcham, Marshall, Moffatt, Palmer, Paxton, Pepper, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Williams and Evans, speaker—29

And so said bill was not so amended.

Mr. Worth moved to amend the second section of said bill, so as to give the county of Wayne two, and

the counties of Randolph and Allen one Representative.

And debate arising thereon, Mr. Sweetser called for the previous question; and it being demanded by three members, the said previous question was then stated, to wit:

Shall the main question be now put? and it passed in the affirmative.

The main question was then put, Shall said bill be engrossed and read a third time? and passed in the affirmative: and the ayes and noes being required by Messrs. Walker and Lewis of Wayne, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Guion, Hannah, Hillis, Hawk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Paxton, Pepper, Posey, Riley, Rose, Williams and Worth—24.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Daniel, Fitzgerald, Gard, Gray, Johnson, Keen, Ketcham, Marshall, Moffatt, Palmer, Richardson, Robertson, Sims, Stanford, Stewart, Sweetser, Walker, Wallace and Evans, speaker—21.

And this day was assigned for the third reading of said bill.

On motion of Mr. Riley,

The House took up the bill to amend the act entitled An act appointing commissioners to re-locate the seat of justice of Lawrence county:

Whereupon,

Mr. Williams moved to indefinitely postpone the further consideration of said bill; which carried in the affirmative.

On motion of Mr. Child,

The House took up the joint resolution from the Senate relative to purchasers of public lands; which was read a third time and passed.

*Ordered,* That the clerk inform the Senate.

The engrossed bill for the relief of purchasers of lots in the town of Indianapolis; and the engrossed bill to legalize the proceedings of school trustees of section No. 16, township 14, range 13 east, in Fayette county; were read a third time and passed.

*Ordered*, That the same be entitled Acts, and that the clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill making an apportionment of senators and representatives to the General Assembly, was read a third time; and on the question being put, Shall said bill pass? it passed in the affirmative: and the ayes and noes being required by Messrs. Richardson and Lemon, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Guion, Hannah, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Pepper, Posey, Reed, Riley, Rose, Williams and Worth—24.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Daniel, Fitzgerald, Gard, Gray, Johnson, Keen, Ketcham, Marshall, Moffatt, Palmer, Paxton, Richardson, Robertson, Sims, Stanford, Stewart, Sweetser, Walker, Wallace and Evans, speaker—22.

And so said bill passed.

*Ordered*, That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have received official information that the Governor did on this day approve and sign an enrolled bill, entitled An act for the benefit of William Reed. They have passed an engrossed bill from the House of Representatives, entitled An act to legalize

the proceedings of the trustees of the Bartholomew county library, without amendment.

Whereupon,

The House adjourned until Monday morning, 9 o'clock.

## MONDAY MORNING, JANUARY 9, 1826.

The House met pursuant to adjournment.

Mr. Robertson presented a petition of Lewis H. Sands and others, of Putnam county, praying a vacation of part of the state road, leading from Indianapolis to Terre-Haute; which was read and referred to a select committee of Messrs. Robertson, Paxton and Blair.

Mr. Paxton presented a petition of Samuel M'George, of Marion county, praying compensation for certain extra work, done by him on the court-house at Indianapolis; which was read and referred to a select committee of Messrs. Paxton, Sweetser, Keen and Beckes.

Mr. Richardson from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled,

An act to authorize John W. Cox to erect a mill dam across the west fork of White river.

An act to improve the navigation of the Muscatituck rivers.

And an act to legalize the proceedings of the trustees of the Bartholomew county library, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Howk from the judiciary committee reported, that they have had under their consideration the several petitions of Anna M. Pellham and Frances Lowndes, praying divorces, and deem it inexpedient to act thereon, inasmuch as the circuit courts are vested with ample power to relieve the grievances of said petitioners; which being read was concurred in by the House.

Mr. Hillis, from the select committee, to whom was referred that part of the Governor's message, which relates to connecting the navigation of the Wabash river, with the Miami of lake Erie, and the extinguishing of Indian title to the lands be-

tween the same, reported a memorial and joint resolution on that subject; which was read and passed to a second reading to-morrow.

Mr. Palmer, from the select committee to whom was referred the petition of James H. Wallace, sheriff of Jefferson county, reported a bill for his relief; which was read and passed to a second reading to-morrow.

Mr. Clendenin submitted the following report, to wit:

*Mr. Speaker,*

The select committee to whom was referred a petition of B. J. Blythe, agent for the town of Indianapolis, have examined into his conduct on the subject of leasing certain lots in said town, and from papers and documents laid before them, it does not appear that any thing improper has been done; which being read was concurred in by the House.

Mr. Beckes submitted the following resolution for the consideration of the House, to wit:

*Resolved*, That the managers on the part of this House to prosecute the impeachment against Adlai Campbell, justice of the Peace of Orange county, be instructed to dismiss said impeachment; the said campbell having resigned his said office.

Mr. Keen moved to amend the same by adding the following: *Provided however*, That said Adlai Campbell, shall pay all costs that have accrued in consequence of the finding of the said articles of impeachment against him.

On motion of Mr. Clendenin,

Said resolution and amendment were ordered to lie on the table.

Wr. Williams after having obtained leave presented a bill to revive and put in force the fiftieth section of an act to reduce into one act, all acts and parts of acts relative to crimes and punishments, approved January 29th, 1818; which was read the first and second times, the rule having been dispensed with, and committed to the same committee of the whole to whom was committed the bill to amend the act relative to crimes and punishments.

A message from the Senate by Mr. Farnham their assistant secretary:

*Mr. Speaker,*

The Senate have adopted the following resolution, to wit:

*Resolved*, That the Senate do now form themselves into a court of impeachment for the trial of Isaiah Cooper a justice of the peace of Owen county, on charges exhibited against him, by the House of Representatives:

That the House of Representatives be informed of the adop-

tion of this resolution, and their attendance, by their managers to prosecute said charges requested.

The Senate have passed an engrossed bill entitled, An act to amend an act authorizing the location of certain state roads, approved January 31st 1824; in which they desire the concurrence of this House.

Said bill was read the first time and passed to a second reading to-morrow.

On motion of Mr. Howk,

*Resolved*, That the Senate be invited to occupy the Hall of the House of Representatives, whilst acting as a court of impeachment, for the trial of Isaiah Cooper, justice of the peace of Owen county.

*Ordered*, That the clerk inform the Senate thereof.

The Speaker laid before the House, the following communication from William W. Wick.

EXECUTIVE DEPARTMENT, }  
SECRETARY'S OFFICE, Jan. 7th, 1826. }

The Hon. the Speaker

of the House of Representatives,

SIR—The report of the undersigned, as librarian of the State Library, made at an early day of the present session, is erroneous in this, that there should be added to the catalogue of additions made to the institution by purchase, "the Federalist."

This communication is made as being the most eligible mode of correcting the error.

Respectfully,

WM. W. WICK.

Mr. Posey presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the public printer be directed to print 500 copies of the report of the committee of ways and means, to be distributed with the laws and journals of the present General Assembly, and that he be directed not to print the 250 copies as directed by a former order of this House; which being read was adopted by the House.

Whereupon,

The House adjourned until to-morrow morning 9 o'clock.

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TUESDAY MORNING, JANUARY 10, 1826.

The House met pursuant to adjournment.

On motion of Mr. Clendenin,

The House took up the resolution offered by Mr. Beckes on yesterday, relative to dismissing the impeachment against Ad-

lai Campbell, justice of the peace of Orange county, and the amendment offered to the same by Mr. Keen; said amendment was then read, and rejected by the House.

And on the question being put, Shall said resolution be adopted? it passed in the affirmative.

Mr. Paxton presented a petition of Samuel S. Rooker, of Marion county, praying certain relief; which was read and referred to the same committee to whom was referred the petition of Thomas Chinn, and others.

Mr. Paxton, also presented a petition of Daniel Musselman, and others, and Charles Walker and others, of Bartholomew and Johnson counties, praying part of the county of Bartholomew, may be attached to the county of Johnson; which was read and referred to a select committee of Messrs. Paxton, Claypool and Stanford.

Mr. Paxton also presented a petition of William Curtis and others of Madison county, praying that certain reserved school lands in said county may be leased for the term of ninety-nine years; which was read and referred to a select committee of Messrs. Sweetser, Paxton and Gray.

Mr. Robertson from the select committee to whom was referred a petition of Lewis H. Sands and others, reported a bill to vacate part of the state road leading from Indianapolis to Terre-Haute; which was read and passed to a second reading to-morrow.

The House took up the orders of the day.

The bill for the relief of the collector of Jefferson county, for the year 1825, was read a second time, and committed to a committee of the whole House to-morrow.

The bill to amend the act regulating enclosures, was read a second time and committed to a committee of the whole House to-morrow.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

The House resumed the consideration of the orders of the day.

The bill relative to the recorders' offices, in the several counties in this state; the bill in addition to the act entitled, An act appropriating \$100,000 of the fund, commonly called the three per cent. fund, for opening the same, approved December 31st, 1821; and the bill from the Senate, entitled An act authorizing the leasing of Royce's lick reserve, were severally



read a second time, and committed to a committee of the whole House to-morrow.

The bill for the relief of sundry persons therein named, was read a second time.

Whereupon,

Mr. Walker moved to indefinitely postpone the further consideration of said bill; which was decided in the negative: and the ayes and noes being required thereon by Messrs. Paxton and Lewis of Franklin, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Burnett, Clendenin, Craig, Hannah, Jackson, Johnson, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Robertson, Rose, Stanford and Walker—16.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Claypool, Daniel, Fitzgerald, Gard, Guion, Keen, Ketcham, Lemon, Marshall, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Richardson, Riley, Sims, Stewart, Sweetser, Williams and Evans, speaker—24.

And so said bill was not indefinitely postponed.

The bill declaring Dusseron creek a public highway, was read a second time and committed to a committee of the whole House on Wednesday next.

The bill supplemental to the act requiring the Secretary of State, to procure a letter book for the use of this state, approved December 22d, 1825, was read a second time. And

On motion of Mr. Beckes,

The further consideration of said bill was indefinitely postponed.

The bill from the Senate entitled An act to alter the time of holding courts in the counties of Floyd and Crawford; and the Joint Resolution, relative to the apportionment, were read a second time, and ordered to lie on the table.

The Joint Resolution from the Senate, for the relief of the securities of Martin H. Tucker, was read a second time and committed to a committee of the whole House on Thursday next.

The House resolved itself into a committee of the whole on the bill to amend the act to establish a state road from Aurora, in Dearborn county, to Napolian, in Ripley county, and certain other state roads therein named:

After some time spent therein the Speaker resumed the chair, and Mr. Lewis of Franklin, reported the same with several amendments; which were read at the clerk's table, and concurred in by the House.

*Ordered*, That said bill as amended be engrossed and read a third time to-morrow.

On motion of Mr. Moffatt,

The House took up the bill to provide for the survey and location of a route for a canal to connect the navigation of the Wabash river, and the Miami of lake Erie.

The House resolved itself into a committee of the whole on said bill.

After some time spent therein the Speaker resumed the chair, and Mr. Lewis of Wayne reported progress, and asked leave to sit again:

Which leave was refused by the House. And

On motion of Mr. Moffatt,

Said bill was re-committed to a select committee of Messrs. Moffatt, Beckes, Blair, Boon, Palmer, Worth and Pepper.

The House resolved itself into a committee of the whole, on the bill to amend the Act to regulate the inspection of tobacco, approved December 27th, 1816:

After some time spent therein, the Speaker resumed the chair and Mr. Lomax reported said bill with several amendments; which were read at the clerk's table, and concurred in by the House.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

Mr. Pepper gave notice that he should on to-morrow, move to amend the standing rules of this House, by repealing the 22d and 24th rules, and adopting the following in lieu thereof, to wit:

**RULE 22d.** When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit, amend or postpone indefinitely; which several motions shall have precedence in the order in which they here stand arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition; a motion to strike out the enacting clause of a bill or resolution, shall have precedence of a motion to amend, and if carried shall be considered equivalent to its rejection.

**RULE 24th.** The previous question shall be in this form, "shall the *main* question be *now* put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided shall preclude all amendments and further debate of the main question.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, JANUARY 11th, 1826.

The House met pursuant to adjournment.

Mr. Clendenin, from the committee of ways and means, reported a bill making general appropriations for the year 1826; which was twice read, the rule having first been dispensed with, and committed to a committee of the whole House to-morrow.

Mr. Clendenin, also, submitted the following report, to wit:

*Mr. Speaker,*

The committee of ways and means to whom was referred, a resolution of this House, requiring said committee to enquire into the expediency of repealing so much of the revenue law as imposes a poll tax for state purposes, report, that it is inexpedient to repeal said tax; and said committee have taken into consideration the several petitions referred to them on the subject of reducing the fees and salaries of all the state and county officers, and are of opinion, that it is inexpedient to reduce said fees or salaries.

Which being read,

Mr. Hillis moved to lay said report on the table; which was negatived.

Said report was then concurred in by the House.

Mr. Clendenin from the committee of ways and means to whom was referred, a resolution of this House on that subject, submitted the following report, to wit:

*Mr. Speaker,*

The following is a detailed account of the disbursement of the contingent fund, as appears from the books and vouchers in the offices of the Auditor and Treasurer.

|  |         |
|--|---------|
| To William H. Lilly, for postage paid,           | \$ 3 00 |
| John Aydelott, for transporting books,           | 4 75    |
| Caleb Scudder, for table for secretary's office, | 5 00    |
| Pendleton Mitchem, for packing laws,             | 2 00    |
| R. A. New, for postage,                          | 12 00   |
| S. Henderson, for postage for speaker 1825,      | 1 62    |
| Phipps & Co. for stationery,                     | 14 00   |
| Caleb Scudder, for paper case for treasurer,     | 15 00   |

|  |            |
|--|------------|
| Austin Bishop, for paper to secretary,   | 2 25       |
| Samuel Henderson, for postage,   | 13 95      |
| George L. Murdock, for attending trial in the<br>case of the state against Lane, | 20 00      |
| William Wick, for copying laws, attending<br>printing. &c.                       | 140 00     |
| Reception of General Lafayette,  | 1,337 87   |
| Nicholas M'Carty, for stationary,  | 36 69      |
| Rooker, for mending Lafayette's bust,  | 6 00       |
| S. Henderson, for postage,   | 51 15      |
|  | <hr/>      |
|  | \$1,665 28 |

Mr. Keen submitted the following report, to wit:

*Mr. Speaker,*

The committee on military affairs have had under consideration the petition of the members of the society at New Harmony, and are of opinion, that the prayer of the petitioners is unreasonable and ought not to be granted.

Which being read, was concurred in by the House.

Mr. Keen, also submitted the following report, to wit:

*Mr. Speaker,*

The committee on military affairs, have had the claim of Maj. Isaac Shelby under consideration, and are of opinion, that the laws in force at the time the services were performed amply provide for the payment of such claims.

Which was read and concurred in by the House.

Mr. Keen, also submitted the following report, to wit:

*Mr. Speaker,*

The military committee, to whom was referred the petition of major Jesse Cole, of Ripley county, and others. residing within the bounds of the fifth division of Indiana militia; which petitions are in the words following, to wit:

"To the honorable the Senate and House of Representatives of the state of Indiana: Your petitioners humbly complaineth that the burthen of taxes are extremely oppressive. and request your honorable body to devise some plan whereby the people may be relieved from such excessive taxes. We hereby instruct our

honorable senators and representatives to use their exertions to reduce the wages of the General Assembly of the state of Indiana, and the salaries, &c. of all the officers that are excessive, so that the people may enjoy that true equality which republicans are justly entitled to; for which your petitioners will ever pray, &c."—— Have had the same under consideration, and have instructed me to report: That there are not at this time any officers, general or subordinate, whose salaries or daily pay are by your committee deemed excessive; and to suggest to the petitioners that the bill which passed this House a few days since, reducing the legislative corps, will, if passed into a law, relieve the people from much of that item of expenditure.

Which was read and concurred in by the House.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill entitled An act authorizing the associate judges of the circuit court in Switzerland county, to hold a special session; in which they desire the concurrence of this House.

The rule was dispensed with, and said bill was read three times and passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion,

Leave is given to withdraw the petition of Jesse Cole and others.

On motion,

Leave is given to withdraw the charges &c. presented against Adlai Campbell, J. P. of Orange county.

Mr. Sweetser, from the select committee to whom was referred a resolution of this House on that subject, reported a bill for ascertaining the value of taxable property; which was read and passed to a second reading to-morrow.

Mr. Child, from the committee on education to whom was referred a resolution of this House on that subject, reported a bill to incorporate congressional townships, and to provide for public schools therein; which was twice read; the rule having first been dispensed with,

and committed to a committee of the whole House to-morrow.

Mr. Paxton, from the select committee to whom was referred a petition of John Campbell, and others, reported a bill to repeal part of an act supplemental to an act declaring Blue river a public highway and for other purposes, approved, 11th February 1825; which was read and passed to a second reading to-morrow.

Mr. Richardson, after having obtained leave, presented a bill in addition to the act to establish a state library; which was twice read, the rule having been dispensed with, and committed to a committee of the whole House to-morrow.

Mr. Gray presented the following resolution, which was read and ordered to lie on the table, to wit:

*Resolved*, That the House of Representatives will adjourn *sine die*, on Saturday, the 21st of this instant, and that they will not receive any new business after Monday next.

Mr. Wallace presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the judiciary committee be and they are hereby requested to enquire into the propriety of so amending the law relative to crimes and punishments, as to make it obligatory on all persons who may hereafter steal any horse or mule, or any other article of value, and is found guilty of the same and is sentenced to hard labor in the state prison, to pay in addition to the fine and imprisonment, all the expenses the person may be at in getting the same, either in money or hard labor in the state prison at fifty cents per day, to be reserved by the agent of the prison for the use of the person so losing any of the above mentioned articles.

Which being read was rejected by the House.

Mr. Sims, after having obtained leave, presented a bill regulating stock marks and brands; which was read and passed to a second reading to-morrow.

Mr. Claypool, after having obtained leave, presented a bill to amend the act incorporating congressional townships and providing for public schools therein, approved January 31st, 1824; which was twice read, the rule

having first been dispensed with, and committed to the same committee of the whole to whom was committed the bill presented this morning on that subject.

The amendments to the rules of this House, as offered by Mr. Pepper on yesterday, were ordered to lie on the table.

The Speaker laid before the House the following communication from William Lowe, to wit:

*To the hon. the General Assembly now in session,*

GENTLEMEN,

Please to accept this my resignation as one of the trustees of the state seminary at Bloomington, and oblige your most obedient servant.

WILLIAM LOWE.

January 8th, 1826.

The Speaker also laid before the House a report of the trustee of the seminary fund of Vanderburg county.

The Speaker laid before the House a communication from James Mitchel J. P. of Monroe county, pointing out various defects in our laws, and suggesting remedies.

Which being read,

Mr. Pepper moved to postpone the further consideration of the same, until the first Monday in December next; which was negatived.

Mr. Sweetser then moved to postpone the further consideration thereof, until the 21st day of the present month; which was decided in the affirmative.

Mr. Palmer, after having obtained leave, presented a joint resolution relative to the agent of the state for the town of Indianapolis; which was read and passed to a second reading to-morrow.

The Speaker laid before the House a communication from George Smith of Indianapolis, praying the state may purchase a certain number of copies of the Indiana Justice, a work which the said Smith has lately published; which was read and laid on the table.

A message from the Governor by Mr. Wick, his private secretary:

*Mr. Speaker,*

I am directed by the Governor to lay before this House the following communication in writing:

EXECUTIVE OFFICE,

INDIANAPOLIS, Jan. 11, 1826. }

*The Hon. the Speaker of the  
House of Representatives,*

SIR—I have the honor herewith of enclosing you a proposed amendment to the Constitution of the United States, providing for the election of President and Vice President by the *people*, &c.; which you will please lay before the House over which you preside, with a request that the same may be taken into consideration during the present session.

Most respectfully, your obedient servant,

J. BROWN RAY.

Which being read;

On motion of Mr. Palmer,

The communication and accompanying document were referred to a select committee of Messrs. Palmer, Hawk, Beckes, Craig, Sweetser, Baird, Child, Pepper, Keen, Hillis, Fitzgerald, Gray, Boon and Posey.

The House proceeded to consider the orders of the day.

The memorial and joint resolution relative to connecting the navigation of the Wabash river and the Miami of Lake Erie, and extinguishing the Indian title to lands lying between the same, was read a second time and committed to a committee of the whole House to-morrow.

The House dispensed with the orders of the day for the present.

Mr. Keen moved to re-consider the vote indefinitely postponing the bill from the Senate, entitled An act for the relief of the persons therein named; which was decided in the negative.

The House resumed the consideration of the orders of the day.

On motion of Mr. Beckes,

The several orders of the day which precede the joint



resolution relative to the debt due the state from certain citizens of Harrison county, were postponed. And,

On motion of Mr. Sweetser,

The committee of the whole were discharged from the further consideration of said joint resolution, the same was ordered to be considered as engrossed, read a third time,

And on the question being put, Shall said joint resolution pass? it was carried in the affirmative; and the ayes and noes being required thereon, by Messrs. Posey and Stewart, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Child, Claypool, Clendenin, Craig, Daniel, Gard, Gray, Guion, Hannah, Hillis, Howk, Jackson, Johnson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Moffatt, Paxton, Pepper, Riley, Robertson, Sims, Stanford, Sweetser, Walker, Williams, Worth and Evans speaker—33.

*And those who voted in the negative are,*

Messrs. Burnett, Fitzgerald, Ketcham, Lomax, Marshall, Paddacks, Posey, Stewart and Wallace—9.

And so said joint resolution passed.

*Ordered,* That the clerk carry the same to the Senate and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill entitled An act establishing certain state roads therein named; in which they request the concurrence of this House.

Said bill was then read, and passed to a second reading to-morrow.

The bill to vacate part of the state road leading from Indianapolis to Terre Haute, was read a second time, considered as engrossed, rule dispensed with, read a third time and passed.

*Ordered,* That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill providing for licensing travelling merchants:

After some time spent therein the Speaker resumed the chair, and Mr. Lomax reported said bill with several amendments; which were severally read at the clerk's table and concurred in by the House.

Mr. Clendenin then moved to amend the first section of said bill by adding the following as a proviso to the same:

*Provided, however, That in addition to the ten dollars hereby provided to be paid for the use of the state; such travelling merchant or pedlar shall pay for the use of the county treasury five dollars, in each county they may so sell or offer for sale any such goods, wares or merchandize.*

And on the question being put, Shall said bill be so amended? it was decided in the negative: and the ayes and noes being required by Messrs. Craig and Clendenin, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Burnett, Clendenin, Craig, Fitzgerald, Ketcham, Lemon, Marshall and Paxton—9.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Child, Claypool, Daniel, Gard, Gray, Guion, Hannah, Hillis, Howk, Jackson, Johnson, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Palmer, Pepper, Posey, Reed, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams, Worth and Evans, speaker—34.

So said amendment was not adopted.

*Ordered,* That said bill be engrossed as amended, and read a third time to-morrow.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion,

The orders of the day were dispensed with for the present.

Mr. Child, after having obtained leave, presented a bill to amend the act regulating divorces, approved, January 22d, 1824; which was read twice, the rule having been dispensed with, and committed to a committee of the whole House to-morrow.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled,

An act to change the names of certain persons;

An act to authorize the associate judges of the Switzerland circuit court to hold a special session; and,

A joint resolution relative to the purchasers of public lands;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

The House resolved itself into a committee of the whole on the bill to provide for opening a canal around the falls of the Ohio, at Jeffersonville:

After some time spent therein the Speaker resumed the chair, and Mr. Marshall reported said bill with one amendment; which was by striking it out from its enacting clause.

And on the question being put, will the House concur in said amendment? it was carried in the affirmative: and the ayes and noes being required by Messrs. Baird and Walker, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Hillis, Jackson, Johnson, Ketcham, Lewis of Franklin, Lewis of Wayne, Moffatt, Pad-dacks, Palmer, Reed, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams and Evans, speaker—30.

*And those who voted in the negative are,*

Messrs. Baird, Burnett, Child, Gard, Gray, Guion, Hannah, Howk, Keen, Lemon, Lomax, Marshall, Paxton, Pepper, Posey and Worth—16.

And so said amendment was concurred in by the House.

Mr. Richardson then moved to indefinitely postpone the further consideration of said bill, which was carried in the affirmative; and the ayes and noes being required thereon, by Messrs. Baird and Lemon, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Hillis, Jackson, Johnson, Ketcham, Lewis of Wayne, Paddacks, Palmer, Reed, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams and Evans, speaker—28.

*And those who voted in the negative are,*

Messrs. Baird, Burnett, Child, Gard, Gray, Guion, Hannah, Howk, Keen, Lemon, Lomax, Marshall, Paxton, Pepper, Posey and Worth—16.

And so said bill was indefinitely postponed.

The engrossed bill from the Senate entitled An act providing for ascertaining the expense of supporting the poor annually in this state; was read a third time and passed.

*Ordered,* That the clerk inform the Senate thereof.

The engrossed bill from the Senate entitled An act to amend the act for the better management of the state prison and for other purposes, approved, January 31st 1824; was read a third time: And,

On motion of Mr. Howk.

Said bill was re-committed to a select committee of Messrs. Howk, Pepper and Fitzgerald.

The engrossed bill to authorize the several townships in the counties therein named, to elect township officers, was read a third time;

And on the question being put, Shall said bill pass?

it was carried in the affirmative: and the ayes and noes being required by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Child, Craig, Gard, Guion, Hannah, Hawk, Jackson, Keen, Ketcham, Lewis of Franklin, Palmer, Paxton, Pepper, Reed, Richardson, Rose, Sims, Stanford and Worth—22.

*And those who voted in the negative are,*

Messrs. Beckes, Burnett, Claypool, Clendenin, Daniel, Fitzgerald, Gray, Johnson, Lemon, Lewis of Wayne, Lomax, Paddacks, Posey, Riley, Stewart, Walker, Wallace, Williams and Evans, speaker—19.

And so said bill passed.

*Ordered,* That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill entitled An act authorizing the trustees of the Cambridge Academy, in Dearborn county, to hold real estate and for other purposes, in which they desire the concurrence of this House.

Said bill was read twice, the rule having been dispensed with, and committed to a committee of the whole House to-morrow.

The bill to improve the navigation of the east fork of Whitewater river; the bill for the relief of revolutionary soldiers; the bill to amend the act regulating the jurisdiction and duties of justices of the peace, approved, January 30th, 1824; the bill to establish a state road from Liberty, in Union county, to New Castle in Henry county; and the bill making an appropriation for building fire proof houses to contain the offices of the Secretary of State, and the clerk of the Supreme Court; were severally read a third time and passed.

*Ordered,* That the same be entitled Acts, and that

the clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill to dissolve the bands of matrimony between John Hatfield, and Drusilla his wife; was read a third time.

And on the question being put, Shall said bill pass? it was decided in the negative; and the ayes and noes being required by Messrs. Beckes and Boon, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Burnett, Claypool, Daniel, Fitzgerald, Guion, Jackson, Keen, Ketcham, Lewis of Franklin, Lewis of Wayne, Marshall, Pepper, Reed, Stanford, Walker and Evans, speaker—16.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Child, Clendenin, Craig, Hannah, Howk, Johnson, Lemon, Lomax, Paxton, Posey, Richardson, Riley, Rose, Sims, Stewart, Wallace, Williams and Worth—21.

And so said bill was rejected.

The engrossed bill to authorize the sale of part of the public square in the town of Liberty, in the county of Union; was read a third time.

And on the question being put, Shall said bill pass? it was carried in the affirmative; and the ayes and noes being required by Messrs. Keen and Lewis of Franklin, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Burnett, Child, Craig, Daniel, Fitzgerald, Gard, Gray, Guion, Hannah, Hillis, Jackson, Johnson, Ketcham, Lomax, Paxton, Pepper, Richardson, Riley, Rose, Sims, Stewart, Wallace and Evans, speaker—25.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Claypool, Clendenin, Howk, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Marshall, Moffatt, Paddacks, Palmer, Posey, Reed,

Robertson, Stanford, Sweetser, Walker, Williams and Worth—21.

And so said bill passed.

*Ordered*, That the same be entitled *An act*, and that the clerk carry the same to the Senate and ask their concurrence therein.

Whereupon,

The House adjourned until to-morrow morning 9 clock.

THURSDAY MORNING, JANUARY 12th, 1826

The House met pursuant to adjournment.

Mr. Paxton presented a petition of Gideon Wilson and others, of Hendricks county, praying part of said county may be attached to the county of Marion; which was read and referred to a select committee of Messrs. Paxton, Robertson, Stanford and Sims.

Mr. Robertson presented a remonstrance of David Mattock and others, against said petition; which was read and referred to the last named committee.

Mr. Howk, from the judiciary committee, reported, that they have had under their consideration the petition of James Cummins and others, praying an amendment of the law for doing county business, and deem it inexpedient to act thereon; which being read was concurred in by the House.

Mr. Howk, from the judiciary committee to whom was re-committed the bill to amend the act providing for the settlement of decedents' estates and for other purposes, approved, January 26th, 1824, reported the same with an amendment; which was twice read and committed to the same committee of the whole to whom was committed the bill from the Senate, entitled *An act for the amendment of the law and the advancement of justice*.

Mr. Howk, from the judiciary committee to whom was referred a resolution of this House on that subject,

reported a bill to repeal the act to authorize called sessions of the circuit courts, approved, February 12th, 1825; which was read and passed to a second reading to-morrow.

Mr. Moffatt, from the select committee to whom was re-committed the bill to provide for the survey and location of a route for a canal to connect the navigation of the Wabash river and the Miami of Lake Erie, reported the same with several amendments; which were twice read and concurred in by the House.

Said bill was then committed to a committee of the whole House to-morrow.

Mr. Paxton, from the select committee to whom was referred the petition of Samuel M'George, reported a bill for his relief for certain extra work done by him on the court house at Indianapolis; which was read the first time.

Whereupon,

On motion of Mr. Palmer,  
Said bill was rejected.

Mr. Wallace submitted the following report, to wit:

*Mr. Speaker.*

The select committee to whom was referred the memorial of Jacob Tommy, have had the same under their consideration, and after examining the law on that subject find there is ample provision made and provided in such cases.

Which was read and concurred in by the House.

Mr. Ketcham, after having obtained leave, presented a bill legalizing the acts of Jacob B. Lowe, clerk of Monroe circuit court; which was read and passed to a second reading to-morrow.

Mr. Baird, after having obtained leave, presented a bill to legalize the proceedings of the school trustees of congressional township No. 2, township 4 east, in Washington county; which was twice read, the rule having first been dispensed with, and committed to a committee of the whole House to-morrow.

Mr. Paxton moved to re-consider the vote rejecting the bill divorcing John Hatfield from his wife Drusilla; which was decided in the negative.



The House proceeded to consider the orders of the day.

On motion of Mr. Beckes,

The several orders of the day which precede the bill from the Senate, entitled, An act authorizing the trustees of the Cambridge Academy in Dearborn county, to hold real estate and for other purposes; were postponed for the present. And,

On motion,

The committee of the whole to whom said bill was committed were discharged therefrom. And,

On motion of Mr. Keen,

Said bill was so amended as to prohibit the issuing or in anywise dealing in bills, bonds, notes. &c. or to appropriate any of their funds for any other purpose than set forth in said bill.

*Ordered*, That the amendment to said bill be engrossed, and with said bill be read a third time to day.

The engrossed bill incorporating a seminary in the county of Gibson; was read a third time. And,

On motion of Mr. Cleudenin,

Said bill was re-committed to a committee of the whole House to-morrow.

On motion of Mr. Pepper,

The House took up and proceeded to consider the amendments proposed by him to the standing rules of this House. And,

On motion of Mr. Hillis,

The 22d rule as proposed was amended by striking out the balance of the rule from the word "proposition."

And on motion of Mr. Craig,

The further consideration of said amendments were indefinitely postponed.

The joint resolution relative to the agent of state at Indianapolis; was read a second time and ordered to be engrossed and read a third time to-morrow.

The bill to repeal part of an act supplemental to An act declaring Blue river a public highway and for other purposes, approved, February 11th 1825; was read a second time and ordered to be engrossed and read a third time to-morrow.

The bill for ascertaining the value of taxable property, was read a second time:

Whereupon,

Mr. Lemon moved to indefinitely postpone the further consideration of said bill; which was decided in the negative: and the ayes and noes being required by Messrs. Pepper and Johnson, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Barnett, Claypool, Clendenin, Hawk, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Paddacks, Posey, Riley, Robertson, Rose, Walker, Wallace and Williams—20.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Child, Craig, Daniel, Fitzgerald, Gard, Gray, Guion, Hannah, Hillis, Jackson, Johnson, Keen, Marshall, Palmer, Paxton, Pepper, Richardson, Sims, Stanford, Stewart, Worth and Evans, speaker—24.

And so said bill was not indefinitely postponed.

On motion,

Said bill was re-committed to a committee of the whole House on Monday next.

The bill regulating stock marks and brands, was read a second time: And,

On motion of Mr. Boon,

The further consideration thereof was indefinitely postponed.

The bill from the Senate entitled An act establishing certain state roads therein named, was read a second time and passed to a third reading to-morrow.

The House resolved itself into a committee of the whole on the bill to abolish the office of the agent of the state for the town of Indianapolis:

After some time spent therein the Speaker resumed the chair, and Mr. Moffatt reported the same with one amendment; which was by striking out the first section of said bill: which was concurred in by the House.

On motion of Mr. Fitzgerald,

The further consideration of said bill was indefinitely postponed.

The House resolved itself into a committee of the whole on the bill incorporating the Whitewater Canal Company:

After some time spent therein the Speaker resumed the chair, and Mr. Palmer reported the same with several amendments; which were read and concurred in by the House.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Keen moved to amend, by striking out the ninth section of the bill incorporating the Whitewater canal company; (which was to exempt persons employed in working on said canal from performing military duty whilst so employed, except in case of invasion or insurrection, and making the certificate of the president of the canal company sufficient evidence of the persons being employed as above,) which was decided in the affirmative.

And the ayes and noes being required by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Clendenin, Craig, Gray, Guion, Hillis, Keen, Ketcham, Lemon, Marshall, Palmer, Paxton, Posey, Reed, Riley, Rose, Sweetser, Wallace and Williams—23.

*And those who voted in the negative are,*

Messrs. Beckes, Claypool, Daniel, Gard, Hannah, Jackson, Johnson, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Robertson, Sims, Stanford, Worth and Evans, speaker—16.

So the bill was so amended.

Mr. Child moved further to amend said bill by striking out five years in the 18th section, the time which the canal and waterworks thereon and adjoining thereto, are proposed to be exempt from taxation from and

after its completion; which was carried in the affirmative.

Mr. Howk moved to further amend the 18th section of said bill by striking out the words "until completed," and insert 10 years from the passage of this act; which was carried in the affirmative.

*Ordered*, That said bill be engrossed as amended, and read a third time to morrow.

The engrossed bill from the Senate entitled An act authorizing the trustees of the Cambridge Academy in Dearborn county to hold real estate and for other purposes; was read a third time as amended, and passed.

*Ordered*, That the clerk carry the same to the Senate and ask their concurrence in said amendment.

The engrossed bill from the Senate entitled An act concerning prosecuting attornies; was read a third time as amended.

Mr. Sweetser moved to postpone the further consideration thereof indefinitely, which was decided in the negative; and the ayes and noes being required by Messrs. Boon and Pepper, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Burnett, Claypool, Clendenin, Fitzgerald, Johnson, Marshall, Paxton, Sims, Sweetser, Wallace, Worth and Evans, speaker—14.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Child, Craig, Daniel, Gard, Gray, Guion, Hannah, Hillis, Howk, Jackson, Keen, Ketcham, Lemon, Lewis of Wayne, Lomax, Moffatt, Paddacks, Palmer, Pepper, Reed, Riley, Robertson, Rose, Stanford, Stewart, Walker and Williams—29.

And so said bill was not indefinitely postponed.

On motion of Mr. Howk,

Said bill was re-committed to a select committee of Messrs. Howk, Pepper and Clendenin.

The House resolved itself into a committee of the whole on the bill to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly:

After some time spent therein the Speaker resumed the chair, and Mr. Paxton reported said bill with several amendments; which were read at the clerk's table, and concurred in by the House generally, except the 4th amendment, on which the question to concur was taken separately; which was by striking out 10 and inserting 50 in the——section of said bill, the number of copies of the journals which was directed to be deposited and kept in the office of the Secretary of State.

And on the question being put, Will the House concur in said amendment? it passed in the affirmative: and the ayes and noes being required by two members are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Burnett, Child, Clendenin, Craig, Daniel, Gray, Hannah, Howk, Johnson, Lemon, Marshall, Moffatt, Paddacks, Pepper, Posey, Richardson, Riley, Rose, Sims, Stanford, Wallace, Worth and Evans, speaker—26.

*And those who voted in the negative are,*

Messrs. Boon, Claypool, Fitzgerald, Gard, Guion, Hillis, Jackson, Keen, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Palmer, Paxton, Reed, Robertson, Stewart, Sweetser, Walker and Williams—20.

And so the House concurred in said amendment.

*Ordered,* That said bill be engrossed as amended and read a third time to-morrow.

A message from the Senate by Mr. Ray, their enrolling secretary:

*Mr. Speaker,*

The Senate concur in the amendment proposed by the House of Representatives to the engrossed bill from the Senate, entitled An act to authorize the trustees of the Cambridge Academy in Dearborn county to hold real estate and for other purposes.

The House resolved itself into a committee of the whole on the bill to vacate certain lots in the town of Indianapolis:

After some time spent therein the Speaker resumed the chair, and Mr. Paddacks reported the same with one amendment; which was by striking out the first section of said bill.

And on the question being put, Will the House concur in said amendment? it was decided in the affirmative: and the ayes and noes being required by Messrs. Child and Riley, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Boon, Claypool, Clendenin, Craig, Hannah, Hillis, Howk, Jackson, Johnson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Pepper, Posey, Riley, Rose, Stanford, Stewart, Sweetser, Walker and Wallace—23.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Child, Daniel, Fitzgerald, Gard, Gray, Guion, Keen, Ketcham, Marshall, Mofatt, Paddacks, Palmer, Paxton, Reed, Richardson, Robertson, Sims, Williams, Worth and Evans, speaker—22.

And so said amendment was concurred in.

On motion of Mr. Palmer,

Said bill was re-committed to the standing committee on the affairs of the town of Indianapolis.

The House resolved itself into a committee of the whole on the bill in addition to the act concerning the Auditor of Public Accounts and Treasurer of State, approved, December 11th, 1816, and for other purposes:

After some time spent therein the Speaker resumed the chair, and Mr. Pepper reported said bill with several amendments; which were read at the clerk's table and concurred in by the House.

Mr. Lemon then moved to indefinitely postpone the further consideration of said bill; which was decided in the negative.

*Ordered,* That said bill be engrossed and read a third time to-morrow.

The engrossed bill for the organization of a board of

commissioners for the promotion of internal improvement, was read a third time:

And on the question being put, Shall said bill pass? it was decided in the negative; and the ayes and noes being required by Messrs. Riley and Lomax, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Child, Johnson, Mofatt, Robertson and Rose—8.

*And those who voted in the negative are,*

Messrs. Burnett, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gray, Guion, Hannah, Hillis, Howk, Jackson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paddacks, Palmer, Paxton, Posey, Reed, Riley, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams, Worth and Evans, speaker—34.

And so said bill was rejected.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled,

An act authorizing the trustees of the Cambridge Academy, in Dearborn county, to hold real estate and for other purposes;

An act providing for ascertaining the expense of supporting the poor annually in this state;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered,* That the clerk carry the same to the Senate for the signature of their President.

The engrossed bill establishing a state road from Rockport to Boonville; the engrossed bill to amend an act regulating the inspection of tobacco, approved, December 27, 1816; the engrossed bill to amend an act to establish a state road from Aurora in Dearborn county, to Napoleon in Ripley county, and certain other state roads therein named, approved January 6th 1823; and the engrossed bill providing for licensing travelling mer-

chants and for other purposes; were read a third time and passed.

*Ordered*, That the same be entitled Acts, and that the clerk carry the same to the Senate and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed the following bills, entitled Acts, to wit:

An act amendatory to an act entitled An act to locate and establish a seminary in and for the county of Union, approved February 7th, 1825; And,

An act to provide for the continuation of the survey of the state road from Terre Haute to Fort Wayne; in which the concurrence of the House of Representatives is requested.

They have passed bills of the House of Representatives, entitled as follows:

An act to amend an act entitled An act relative to county boundaries, approved January 31, 1824; And,

An act for the relief of the trustees of the school section No. 16, township No. 14. of range No. 13 east, in Fayette county; without amendment.

The two first named bills were read the first time and passed to a second reading to-morrow.

A message from the Governor by Mr. Wick, his private secretary:

*Mr. Speaker,*

The Governor did on the 11th inst. approve and sign, An act to legalize the proceedings of the trustees of the Bartholomew county library; which originated in the House of Representatives.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they did on the 11th inst. present to the Governor for his approval and signature,

An act to improve the navigation of the Muscatituck rivers;

An act to change the names of certain persons;

An act to authorize the associate judges of the Switzerland circuit court to hold a special session;



A joint resolution of the General Assembly relative to purchasers of public lands;

An act authorizing John W. Cox to erect a mill dam across the west fork of White river;

An act to legalize the proceedings of the trustees of the Bartholomew county library;

An act to authorize Jacob Caylor to dig a mill race through a part of a school section in Wayne county;

An act to authorize the lessee of the ferry across White river, near Indianapolis, to erect a dwelling house on said premises;

An act for the relief of the heirs of Benjamin Warner deceased, and for other purposes.

An act appointing commissioners to re-locate the seat of justice of Madison county.

Whereupon,

The House adjourned until to-morrow morning 9 clock.

FRIDAY MORNING, JANUARY 13th, 1826.

The House met pursuant to adjournment.

Mr. Howk, from the judiciary committee, reported a bill to amend the act entitled An act regulating the fees of the several officers and persons therein named; which was read and passed to a second reading to-morrow.

Mr. Keen, from the committee on military affairs, reported a bill to amend the act entitled An act regulating the militia of the state of Indiana, approved, January 20th 1824; which was read the first time.

Whereupon,

Mr. Howk moved to reject said bill; which was decided in the negative.

Mr. Hillis then moved to lay the same on the table; which was also decided in the negative.

*Ordered*, That said bill be read a second time to-morrow.

Mr. Howk, from the select committee to whom was

re-committed the bill from the Senate, entitled An act concerning prosecuting attorneys, with the amendments made by this House—reported the same with one amendment; which was twice read and concurred in by the House.

*Ordered*, That the amendments to said bill be engrossed, and read a third time to-morrow.

Mr. Fitzgerald, from the select committee, to whom was referred a petition of Henry Hopkins and others, reported a bill attaching part of the county of Pike to the county of Warrick; which was read and passed to a second reading to-morrow.

Mr. Paxton submitted the following report:

*Mr. Speaker,*

The select committee to whom was referred the several petitions of Daniel Musselman and others, and Charles Walker and others, praying part of Bartholomew county may be attached to the county of Johnson, have had the same under consideration, and are of opinion that it is inexpedient to act on said petitions at this time.

Which was read and concurred in by the House.

Mr. Blair submitted the following report, to wit:

*Mr. Speaker,*

The select committee to whom was referred the petition and remonstrance of sundry citizens of the counties of Parke and Vigo, relative to declaring certain streams therein named public highways, have had the same under consideration, and deem it inexpedient at this time to grant the prayer of the petitioners, but recommend the passage of the bill herewith presented, entitled A bill supplemental to an act declaring certain streams therein named public highways.

Which was read and passed to a second reading to-morrow.

On motion,

Leave is given to withdraw the petition of Samuel McGeorge.

Mr. Marshall, after having obtained leave, presented a bill to amend an act entitled An act relative to crimes and punishments; which was twice read, the rule hav-

ing first been dispensed with, and committed to the same committee of the whole to whom was committed a bill of this House on the same subject.

Mr. Child presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the House of Representatives will not receive any new business after to-morrow.

Mr. Howk moved to lay the same on the table; which was decided in the negative.

Mr. Richardson moved to strike out the word To-morrow, and insert Monday next; which was adopted.

Mr. Craig then moved to indefinitely postpone the further consideration of said resolution as amended; which was decided in the negative; and the ayes and noes being required by Messrs. Beckes and Craig, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Burnett, Craig, Fitzgerald, Gard, Hannah, Howk, Johnson, Keen, Ketcham, Lemon, Lomax, Marshall, Moffatt, Paxton, Robertson, Rose, Sims, Stanford, Walker and Worth—22.

*And those who voted in the negative are,*

Messrs. Baird, Boon, Child, Claypool, Clendenin, Daniel, Gray, Guion, Hillis, Jackson, Lewis of Franklin, Lewis of Wayne, Paddacks, Palmer, Pepper, Posey, Reed, Richardson, Riley, Stewart, Sweetser, Wallace, Williams and Evans, speaker—24.

And so said resolution was not indefinitely postponed.

Mr. Beckes moved further to amend said resolution by adding the following at the end thereof: Unless such business shall be presented that justice would imperiously demand the same to be acted on during the present session.

Mr. Palmer moved to amend the amendment by adding at the end thereof the words, To be determined by two-thirds of the members of this House; which was not adopted.

Mr. Beckes' proposed amendment was then read and rejected.

Mr. Hannab moved further to amend said resolution by adding the words, Provided that the apportionment bill has then passed both houses; which was not adopted.

And on the question being put, Shall said resolution as amended, be adopted by the House? it was determined in the negative: and the ayes and noes being required by Messrs. Beckes and Keen, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Boon, Child, Claypool, Clendenin, Daniel, Gray, Hillis, Jackson, Lewis of Franklin, Lewis of Wayne, Paddacks, Palmer, Pepper, Posey, Reed, Richardson, Riley, Stewart, Sweetser, Wallace, Williams and Evans, speaker—23.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Burnett, Craig, Fitzgerald, Gard, Guion, Hannah, Howk, Johnson, Keen, Ketcham, Lemon, Lomax, Marshall, Moffatt, Paxton, Robertson, Rose, Sims, Stanford, Walker and Worth—23.

And so said resolution was not adopted.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed the following engrossed bills entitled acts, to wit:

An act to provide for draining ponds and removing stagnant waters in the county of Vigo.

An act legalizing the proceedings of the commissioners of Clay county, and for other purposes.

An act for the benefit of the securities of N. W. Marks, late sheriff of Rush county.

They have also adopted a memorial of the General Assembly of the state of Indiana; in all of which the concurrence of this House is requested:

The first named bill was read the first time. And,

On motion of Mr. Beckes.

The same was rejected.

The act legalizing the proceedings of the commissioners of Clay county and for other purposes; was read the first and second times, the rule having first been dispensed with, and committed to a committee of the whole House to-morrow.

The bill for the benefit of the securities of N. W. Marks, late sheriff of Rush county; was twice read, the rule having been dispensed with, and passed to a third reading to-morrow.

The memorial of the General Assembly of the state of Indiana, was read; and,

On motion of Mr. Hannah,

Amended by requiring the Governor to send a copy thereof to each of our members of Congress, and of the Senate of the United States, and to the commissioner for locating the route for the National Road from Wheeling to the Mississippi.

And on the question being put, Shall said memorial as amended be adopted? it was carried in the affirmative; and the ayes and noes being required by Messrs. Keen and Blair, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Child, Daniel, Fitzgerald, Hannah, Hillis, Howk, Jackson, Ketcham, Lemon, Lewis of Wayne, Lomax, Moffatt, Paddacks, Pepper, Richardson, Robertson, Sims, Wallace, Worth and Evans, speaker—24.

*And those who voted in the negative are,*

Messrs. Burnett, Claypool, Clendenin, Craig, Gard, Gray, Guion, Johnson, Keen, Lewis of Franklin, Marshall, Palmer, Paxton, Posey, Reed, Riley, Rose, Stanford, Stewart, Sweetser and Williams—21.

Mr. Posey, after having obtained leave, presented a bill to alter the time of holding congressional elections; which was read the first time:

Whereupon,

Mr. Craig moved to reject said bill; which was decided in the negative.

*Ordered*, That said bill be read a second time to-morrow.

Mr. Stanford, after having obtained leave, presented a bill more effectually to prevent gambling; which was read the first time:

Whereupon,

Mr. Boon moved to reject said bill; which was decided in the affirmative: and the ayes and noes being required by Messrs. Stanford and Stewart, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Claypool, Craig, Fitzgerald, Gray, Hannah, Howk, Jackson, Johnson, Keen, Ketcham, Lemon, Lewis of Franklin, Marshall, Moffatt, Pepper, Rose, Sims, Worth and Evans, speaker—24.

*And those who voted in the negative are,*

Messrs. Beckes, Clendenin, Daniel, Gard, Guion, Hillis, Lewis of Wayne, Lomax, Palmer, Paxton, Posey, Reed, Richardson, Riley, Robertson, Stanford, Stewart, Sweetser, Walker, Wallace and Williams—21.

And so said bill was rejected.

The House proceeded to consider the orders of the day.

The engrossed bill from the Senate, entitled An act to provide for the continuation of the survey of the state road from Terre Haute to Fort Wayne, was read the second time and passed to a third reading to-morrow.

The engrossed bill from the Senate amendatory of an act to locate and establish a county seminary in the county of Union, approved February 7th 1825, was read a second time and passed to a third reading to-morrow.

The bill to legalize the acts of Jacob B. Lowe, clerk of Monroe county, and the bill to repeal the act authorizing called sessions of the circuit courts, were read a second time and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Posey,

The committee of the whole to whom was committed the bill for the benefit of Jane Martin, were discharged from the further consideration thereof.

Said bill was then ordered to be considered as engrossed, read a third time and passed.

*Ordered,* That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed engrossed bills of the following titles, viz:

1. An act relative to Claudius G. Brown and the state university at Vincennes.

2. An act to provide for the payment of the balance due the contractors for building the court house at Indianapolis.

3. An act amendatory of an act entitled An act to regulate the mode of doing county business, approved January 31, 1824.

4. An act appointing an agent of the three per cent. fund.

5. An act concerning salt springs in Orange county.

And an act of the House of Representatives for the apportionment of senators and representatives to the General Assembly, with amendments, by striking it out from its enacting clause and inserting two new sections in lieu thereof.

In which several acts and amendments to the last named act the concurrence of the House of Representatives is requested.

The 1st, 2d, 3d, 4th and 5th named bills were severally read the first time and passed to a second reading to-morrow.

The House proceeded to consider the amendments proposed by the Senate to the engrossed bill from this House, entitled An act making an apportionment of senators and representatives to the General Assembly.

Mr. Robertson moved to amend the first section of the amendment of the Senate, by striking out the name

of the county of Clay from the senatorial district composed of the counties of Vigo, Sullivan and Clay, and inserting the name of the county of Greene in lieu thereof; and striking out the name of the county of Greene from the district composed of the counties of Monroe, Greene and Owen, and inserting the names of the counties of Putnam and Clay in lieu thereof; which was decided in the negative.

Mr. Stanford moved to amend the said section by striking out the name of the county of Madison from the district composed of the counties of Marion, Hendricks, Hamilton, Madison, and the country north of said counties to the Wabash river, and adding said county to the district composed of the counties of Rush, Henry, Randolph and Allen; which was also decided in the negative.

Mr. Palmer moved further to amend said amendment of the Senate by striking it out from the word 'that,' in the second line, and inserting the following in lieu thereof:

"For the purpose of electing Senators to the General Assembly, for the next succeeding five years, this state shall be divided into the following Senatorial districts, to wit: The counties of Posey, Vanderburgh and Gibson shall form one district; the counties of Warrick, Pike, Dubois, Spencer and Perry one district; the counties of Orange, Lawrence and Martin one district; the counties of Daviess, Knox and Sullivan one district; the counties of Vigo, Parke and Vermillion one district; the counties of Montgomery, Fountain, Tippecanoe, Putnam, Clay, Morgan, Hendricks and Wabash one district; the counties of Monroe, Greene and Owen one district; the counties of Harrison and Crawford one district; the counties of Clark and Floyd one district; the county of Washington one district; the counties of Jefferson and Jennings one district; the counties of Scott, Jackson, Bartholomew and the country east of Monroe, and west of Bartholomew one district; the counties of Rush, Decatur, Shelby and Johnson one district; the counties of Marion, Hamilton, Henry, Madison, Delaware, Randolph and Allen one district; the county of Wayne one district; the counties of Union and Fayette one district; the county of Franklin one district; the county of Dearborn one district; the counties of Switzerland and Ripley one district; and each of the said districts shall be entitled to and elect one Senator.



Sec. 2. That for the purpose of electing Representatives to the General Assembly, for the next succeeding five years, the several districts shall be entitled to, and elect as follows, to wit: The county of Posey one Representative; the county of Vanderburgh one Representative; the county of Warrick one Representative; the counties of Spencer and Perry one Representative; the county of Crawford one Representative; the county of Gibson one Representative; the counties of Pike and Dubois one Representative; the county of Orange two Representatives; the county of Lawrence one Representative; the counties of Daviess and Martin one Representative; the county of Knox two Representatives; the county of Sullivan one Representative; the county of Vigo one Representative; the counties of Parke and Vermillion one Representative; the counties of Montgomery, Fountain, Tippecanoe and Wabash one Representative; the counties of Putnam and Clay one Representative; the counties of Morgan and Hendricks one Representative; the county of Monroe one Representative; the counties of Owen and Greene one Representative; the county of Harrison two Representatives; the county of Clark two Representatives; the county of Floyd one Representative; the county of Washington two Representatives; the county of Jefferson two Representatives; the county of Jennings one Representative; the county of Scott one Representative; the county of Jackson one Representative; the county of Bartholomew, and the country lying between it and Monroe, one Representative; the county of Decatur one Representative; the counties of Shelby and Johnson one Representative; the counties of Marion and Hamilton one Representative; the county of Rush one Representative; the counties of Henry, Delaware and Madison one Representative; the counties of Randolph and Allen one Representative; the county of Wayne three Representatives; the county of Fayette one Representative; the county of Union one Representative; and the counties of Fayette and Union one Representative jointly; the county of Franklin two Representatives; the county of Dearborn three Representatives; the county of Switzerland two Representatives; the county of Ripley one Representative.

Which Mr. Speaker decided to be out of order, inasmuch as the amendment proposed could not be considered as an amendment, but was in fact a substitute for the amendment made by the Senate, and therefore inadmissible at this stage of the bill.

From which decision of the chair Messrs. Palmer, Gray and Sweetser appealed to the House.

And on the question being put, Is the decision of the chair correct? it was decided in the affirmative: and the ayes and noes being required by Messrs. Palmer and Claypool, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gard, Guion, Hannah, Hillis, Hawk, Jackson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Paxton, Pepper, Posey, Reed, Richardson, Riley, Rose, Sims, Stanford, Stewart, Walker, Wallace, Williams and Worth—40.

*And those who voted in the negative are,*

Messrs. Gray, Johnson, Palmer and Robertson—4.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Stanford moved to amend the second section of the amendment of the Senate by striking off one member each from the counties of Wayne, Dearborn, Clark, Harrison and Washington; and debate arising thereon,

Mr. Lewis of Wayne called for the previous question; and being demanded by three members it was taken in the form prescribed by the rules and orders of the House, to wit:

Shall the main question be now put? and passed in the affirmative: the main question was then put, to wit:

Will the House concur in the amendments proposed by the Senate to said bill? it was decided in the negative: and the ayes and noes being required by Messrs. Child and Lewis of Wayne, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Clendenin, Daniel, Fitzgerald, Johnson, Moffatt, Paxton, Richardson, Sims, Stanford, Stewart, Walker and Evans, speaker—12.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Claypool, Craig, Gard, Gray, Guion, Hannah, Hillis, Howk, Jackson, Keen, Ketcham, Lemon. Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Pad-dacks, Palmer, Pepper, Posey, Reed, Riley, Robertson, Rose, Sweetser, Wallace, Williams and Worth—34.

And so the House did not concur in the proposed amendment of the Senate to said bill.

*Ordered,* That the clerk inform the Senate thereof.

A message from the Governor by Mr. Wick, his private secretary:

*Mr. Speaker,*

His Excellency the Governor, has directed me to announce to the House of Representatives that he has on this day (January 13) approved and signed, the enrolled bills entitled:

An act to improve the navigation of the Muscatituck rivers;

An act for the relief of the heirs of Benjamin Warner, deceased, and for other purposes.

An act appointing commissioners to re-locate the seat of justice of Madison county.

An act to authorize the lessee of the ferry across White river, near Indianapolis, to erect a dwelling house on said premises;

An act to authorize Jacob Caylor to dig a mill race through a part of a schoolsection in Wayne county; and,

An act authorizing John W. Cox to erect a mill dam across the west fork of White river;

All which originated in the House of Representatives.

The said bills have been filed in the office of the Secretary of State.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they did on this day present to the Governor for his approval and signature;

An act authorizing the Trustees of the Cambridge Academy in Dearborn county, to hold real estate and for other purposes; and,

An act providing for ascertaining the expense of supporting the poor annually in this state.

The House resolved itself into a committee of the whole on the bill amendatory of the law, and for the better advancement of justice, and the bill to amend the act entitled An act providing for the settlement of decedents' estates and for other purposes, approved January 26th 1824:

After some time spent therein the Speaker resumed the chair, and Mr. Reed reported said bills with several amendments; which were read at the clerk's table and concurred in by the House.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill from this House, entitled An act to establish a state road from Liberty in Union county to New Castle in Henry county, without amendment.

They insist on the amendments made by them to the engrossed bill from the House of Representatives, entitled An act for the apportionment of senators and representatives to the General Assembly.

Whereupon,

The House adjourned until to-morrow morning 9 clock.

SATURDAY MORNING, JANUARY 14th, 1826.

The House met pursuant to adjournment.

Mr. Palmer presented a petition of Samuel M'George of Marion county, praying certain relief; which was read and referred to a select committee of Messrs. Palmer, Paxton and Keen.

On motion of Mr. Pepper,

*Resolved*, That the House of Representatives insist upon their disagreement to the amendments made by the Senate to the bill from this House, entitled An act ma-

king an apportionment of senators and representatives to the General Assembly; and that a committee of free conference be appointed on the part of this House, to act with a similar committee to be appointed on the part of the Senate, to take into consideration the disagreeing votes of the two Houses on said bill.

Whereupon,

Messrs. Pepper and Hawk were appointed said committee on the part of this House.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Richardson, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled,

An act to amend the act entitled An act relative to county boundaries, approved, January 21, 1824;

An act for the relief of the trustees of the school section No. 16, township 14, range 13, in Fayette county;

An act to establish a state road from Liberty in Union county to New Castle in Henry county;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate for the signature of their President.

Mr. Child presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee of free conference appointed by this House to act with a similar committee to be appointed on the part of the Senate, on the disagreeing votes of the two houses relative to the apportionment bill, be instructed to make an arrangement so that the counties of Washington and Gibson shall be entitled to a representation in the Senate, in the next Legislature.

Which being read;

On motion of Mr. Claypool,

Said resolution was ordered to lie on the table.

Mr. Hawk, from the select committee to whom was referred the bill from the Senate, entitled An act to amend the act for the better management of the state prison and for other purposes, approved January 31, 1824,

and the memorial of Ira Westover, reported the same with an amendment; which being twice read, was concurred in by the House.

*Ordered*, That the amendments to said bill be engrossed and read a third time to-day.

Mr. Baird presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the committee of free conference appointed on the part of this House, be instructed to change the apportionment bill so as to give the voters of Washington county an opportunity of voting for senator at the next August election.

Which being read was rejected by the House.

Mr. Palmer, from the select committee to whom was referred the communication from the state of Tennessee, relative to a proposed change of the constitution of the United States, reported a joint resolution disapproving the amendments proposed by the state of Tennessee to the constitution of the United States, on the subject of electing President and Vice-President of the United States, and prohibiting the appointment of members of congress to any office in the gift of the President; which was read the first time.

Whereupon,

Mr. Pepper moved to reject said resolution, which was decided in the negative; and the ayes and noes being required by Messrs. Pepper and Fitzgerald, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Burnett, Claypool, Daniel, Fitzgerald, Jackson, Ketcham, Lemon, Lewis of Wayne, Marshall, Moffatt, Paddacks, Pepper, Posey, Reed, Rose, Stanford, Stewart and Williams—19.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Boon, Child, Clendenin, Craig, Gard, Gray, Guion, Hannah, Hillis, Howk, Johnson, Keen, Lewis of Franklin, Lomax, Palmer, Paxton, Richardson, Riley, Robertson, Sims, Sweetser, Walker, Wallace, Worth & Evans, speaker—27.

And so said joint resolution was not rejected.

*Ordered*, That the same be read a second time on Monday next.

On motion of Mr. Fitzgerald,

*Ordered*, That said communication from the state of Tennessee, and the joint resolution reported to this House, be spread on the journals.

EXECUTIVE OFFICE, TENNESSEE, }

MURFREESBORO', December 15, 1825. }

SIR—I have the honor of forwarding to you the inclosed proposed amendment to the Constitution of the United States, adopted by the Legislature of Tennessee, with a request that you will be pleased to lay it before the Legislature of the state over which you preside.

With great regard,

I have the honor to be,

Most respectfully, your obed't serv't.

WM. CARROLL.

HIS EXCELLENCY, THE GOVERNOR OF

THE STATE OF INDIANA.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

*Resolved by the General Assembly of the State of Tennessee*, That the following amendment to the Constitution of the United States, be proposed, and that copies be forwarded by the Governor of this state, to the Governors of the respective states, to be laid before their Legislatures; and also, to each of our Senators and Representatives in Congress, with a request that they be brought fully to the consideration of that body.

Each state, as the legislature thereof may direct, shall be divided into as many districts, to be composed of contiguous and conterminous territory, as may be equal to the whole number of Senators and Representatives, to which it may be entitled in the Congress of the United States; which shall be arranged immediately after the adoption of this amendment, and shall not be altered or changed, but at the session of the legislature, which may be commenced and held immediately after the apportionment of members, once in ten years, to be made by Congress.

The persons qualified in the respective states to vote for the most numerous branch of the Legislature, within the same week, throughout the United States, and in their respective states, shall meet and vote for a President and Vice-President; one of whom shall not be an inhabitant of the same state with themselves, designating the person voted for as President, and the

person voted for as Vice-President; the person in said district who may have the highest number of votes as President, shall be holden to have received one vote; and the person having the greatest number of votes for Vice-President, shall be holden to have received one vote in said district; which fact, by the proper returning officers, shall be immediately returned to the Governor of the state; and so soon as the reports from each of said districts, shall be received, statements by the Governor shall be made out, certified and forwarded under the seal of the state, to the President of the Senate, who, with a committee of one from each state, to be previously chosen from the Senate, and by the Senate, shall attend at the city of Washington, and who, at the Senate Chamber, at such time as may be by law prescribed, and in presence of said committee, or a majority of them, shall open and count the certificates. Said Senators shall, when practicable, be the bearers of the certificates from their respective states.—and duplicate certificates shall be also forwarded by mail, to the President of the Senate. The person having the highest number of votes for President, shall be President, *provided*, such number be a majority of the whole number of votes given for President; and if no person have such majority, then the President of the Senate, and the committee of the Senate, shall certify the same to the Governors of the several states, and by their proclamation, forthwith to be issued, announce the two highest on the list, and the three highest on the list: when two next the highest shall have an equal number of votes, requiring, at some time, within one hundred days, the people entitled to vote, to meet in their respective states, and vote as before, which of said two or three highest, (as the case may be,) shall be the President; which said vote shall be counted and certified as herein before declared, to the President of the Senate, who in the Senate Chamber, shall open and count the votes, in presence of the Senate and House of Representatives—and if the House of Representatives fail to attend, he shall proceed to the count in the presence of the Senate only; when the person having the highest number of votes, shall be the President of the United States.

No member of Congress shall be eligible to any office within the gift or nomination of the President of the United States, during the period for which he shall have been elected, and for six months thereafter, except appointments in the regular army or navy of the United States.

WILLIAM BRADY,

*Speaker of the House of Representatives,*

R. C. FOSTER,

*Speaker of the Senate.*

Nov. 25, 1825.



A Joint Resolution disapproving the amendment proposed by the State of Tennessee, to the Constitution of the United States.

*Resolved by the General Assembly of the State of Indiana, That it is inexpedient to make the amendment to the Constitution of the United States, on the subject of electing President and Vice-President of the United States, as proposed in the resolutions of the General Assembly of the state of Tennessee, passed November 25th, 1825; and that this General Assembly do hereby disapprove of the same.*

*Resolved, That this General Assembly do also disapprove of the amendment to the Constitution of the United States, as proposed by the resolutions of the General Assembly of Tennessee aforesaid, providing that "no member of Congress shall be eligible to any office within the gift or nomination of the President of the United States, during the period for which he shall have been elected, and for six months thereafter, except appointments in the regular army or navy of the United States."*

*Resolved, That his Excellency, the Governor be, and he is hereby requested to transmit a copy of the foregoing resolutions to the Governors of the different States, and to each of our Senators and Representatives in Congress.*

Passed the House of Representatives Jan'y 17, 1826.

H. P. THORNTON, Clk.

Adopted in Senate, Jan'y 18, 1826.

J. H. FARNHAM, Ass't Sec'y.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have adopted the following resolution:

*Resolved, That a committee of free conference on the part of the Senate be appointed, to act with a committee already appointed on the part of the House of Representatives, to take into consideration the disagreeing votes of the two Houses, relating to the amendment made by the Senate to the engrossed bill from the House of Representatives, entitled An act for the apportionment of Senators and Representatives to the General Assembly. That the Senate on their part have appointed Messrs. De Pauw and Montgomery that committee.*

The Senate have passed the following bills from the House of Representatives entitled acts:

An act for the relief of the purchasers of lots in the town of Indianapolis;

An act to authorize the several townships in certain counties herein named to elect township officers and for other purposes, without amendment; and,

An act for the relief of revolutionary soldiers, with sundry amendments, in which the concurrence of the House of Representatives is requested.

The amendments to the last named bill by the Senate, were read and concurred in by the House generally, except the third amendment; which was by striking out the words "and that he is not the owner of real estate to the value of more than \$200. So that the provisions of said act should extend to all persons, whether owners of real estate to the value of more than \$200 or not.

And on the question being put. Will the House concur in said amendment? it was decided in the affirmative; and the ayes and noes being required by Messrs. Claypool and Sweetser, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Burnett, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gard, Gray, Guion, Hillis, Howk, Jackson, Keen, Hetcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Paxton, Pepper, Posey, Riley, Robertson, Rose, Sims, Stanford, Stewart, Walker, Wallace and Williams—36.

*And those who voted in the negative are,*

Messrs. Baird, Child, Hannah, Palmer, Sweetser, Worth and Evans, speaker—7.

And so said amendment was concurred in.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Patxon, after having obtained leave, presented a bill concerning the agent of the state for Indianapolis; which was twice read, the rule having first been dispensed with, and committed to the committee on the affairs of Indianapolis.

The House proceeded to consider the orders of the day.

The engrossed bill from the Senate, entitled An act amendatory of the law, and for the better advancement of justice, was taken up. And,

On motion of Mr. Beckes,

The 10th section of said bill was stricken out.

Mr. Pepper moved further to amend said bill by adding an additional section thereto, proposing to repeal the 11th section of an act entitled, An act for opening and repairing public roads and highways, approved, January 31st 1824; which was not adopted.

Mr. Palmer moved further to amend said bill, by striking out the 20th section thereof, which reads as follows:—"From and after the first day of December, 1826, every deed of conveyance in the nature of a mortgage, which shall be made and executed within this state, of and concerning any lands, tenements and hereditaments therein, or whereby the same may be in anywise affected, in law or equity, shall be proved and recorded within ninety days after the execution thereof; and if not so proved and recorded, shall be adjudged fraudulent, and void against any subsequent purchaser and mortgagee for valuable consideration, unless such deed or conveyance be recorded before the proving and recording of the deed or conveyance, under which such subsequent purchaser or mortgagee shall claim."

Mr. Hillis, moved to amend the amendment, by striking out "ninety" and inserting "one hundred and eighty;" which was decided in the negative.

And on the question being put, shall the bill be amended as proposed, by striking out said section? It was decided in the negative. And the ayes and noes being required by Messrs. Palmer and Moffatt, are as follows, to wit:

*Those who voted in the affirmative are,*

MESSRS. Baird, Beckes, Blair, Claypool, Daniel, Gard, Hillis, Howk, Jackson, Johnson, Lewis of F. Marshall, Moffatt, Paddacks, Palmer, Paxton, Posey, Reed, Riley, Robertson, Walker and Wallace—22.

*And those who voted in the negative are,*

MESSRS. Boon, Burnett, Child, Clendenin, Craig, Fitzgerald, Gray, Guion, Hannah, Keen, Ketcham, Lemon, Lewis of Wayne, Lomax, Pepper, Rose, Sims,

Stanford, Stewart, Sweetser, Williams, Worth and Evans, speaker—23.

And so said bill was not so amended.

Mr. Palmer moved further to amend said bill, by adding the following as an additional section thereto, to wit:

SECTION—That in all actions of debt or assumpsit wherein the sum due or demanded shall be over fifty dollars and not exceeding seventy-five dollars exclusive of interest and costs, it shall be lawful for the plaintiff to commence his suit, either before a justice of the peace of the proper county or in the circuit court, at his discretion; and on the decision of any such action by a justice of the the peace, and an appeal taken thereon to the circuit court, the supreme court shall have appellant jurisdiction in the same manner as if the same had been originally commenced in the circuit court: *Provided*, That this act shall not be so construed as to alter or affect the jurisdiction of justices of the peace in sums not exceeding fifty dollars, as now prescribed by law.

Which was decided in the negative; and the ayes and noes being required by Messrs. Palmer and Reed, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Claypool, Gard, Keen, Ketcham, Marshall, Paddacks, Palmer, Reed, Riley, Robertson, Sims, Stanford, Stewart and Williams—14.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Boon, Burnett, Child, Clendenin, Craig, Daniel, Fitzgerald, Gray, Guion, Hannah, Hillis, Howk, Jackson, Johnson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Paxton, Pepper, Posey, Rose, Sweetser, Walker, Wallace, Worth and Evans, speaker—30.

And so said bill was not so amended.

Mr. Beckes moved further to amend said bill by striking out the 11th section thereof; which reads as follows, to wit:

“Whenever hereafter any action may be commenced

or pending in any circuit court of this state, and the defendant or defendants shall make and file his, her or their affidavit, that he, she or they verily believe, that such plaintiff or plaintiffs have no just cause of action; claim or demand against the said defendant or defendants, and that they have good reason to believe that said action has been instituted from a disposition to vex, harass or oppress said defendants; and that they do not expect to be able to recover or realize from said plaintiff or plaintiffs, the costs that will or may be adjudged to them in said action, the circuit court before whom such action is brought shall be authorized in their discretion to exact from such plaintiff or plaintiffs security for costs, in the same manner, as if said plaintiff or plaintiffs were non-residents."

And on the question being put, Shall the bill be so amended by striking out said section? it was decided in the negative; and the ayes and noes being required by Messrs. Marshall and Moffatt, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Burnett, Daniel, Gard, Johnson, Marshall, Moffatt, Palmer, Riley, Robertson, Rose, Stanford and Wallace—14.

*And those who voted in the negative are,*

Messrs. Baird, Boon, Child, Claypool, Clendenin, Craig, Fitzgerald, Gray, Hannah, Hillis, Howk, Jackson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Paxton, Pepper, Posey, Reed, Sims, Stewart, Sweetser, Walker, Williams, Worth and Evans, speaker—30.

And so said bill was not so amended.

*Ordered,* That the amendments to said bill be engrossed, and that the bill be read a third time on Monday next.

Mr. Lomax moved to take up the bill for opening and repairing public roads and highways; which was decided in the negative.

A message from the Senate by Mr. Farnham their assistant secretary:

*Mr. Speaker,*

The Senate concur in the amendment proposed by this House to the memorial of the General Assembly, which originated in the Senate. They have passed an engrossed bill entitled—

An act for the relief of the collectors of the counties of Shelby and Jefferson; and,

A joint resolution explanatory of an act requiring the Secretary of State to procure a letter book for the use of this state; in which act and joint resolution the concurrence of this House is requested.

The said act and joint resolution were read and passed to a second reading on Monday next.

The bill to alter the time of holding congressional elections, was read a second time. And,

On motion of Mr. Boon,

The farther consideration thereof was indefinitely postponed.

The following engrossed bills from the Senate entitled, Acts, were read a second time and committed to a committee of the whole House on Monday next, to wit: An act concerning salt springs in Orange county; and An act appointing an agent of the three per cent. fund.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Craig,

The orders of the day were for the present dispensed with.

Mr. Craig presented a petition of Amos Stewart, and others of Ripley county, praying articles of impeachment may be preferred against William Wilson, a justice of the peace in said county, for certain acts of corruption in his said office; which was read and ordered to lie on the table.

Mr. Beckes presented a petition of David M. Welton, and others, of Knox county, praying the establishment of a certain county road; which was read and ordered to lie on the table.

Mr. Boon moved to re-consider the vote of this House some time since, refusing to recede from the amendment of this House to the bill from the Senate entitled, An act for the formation of the county of Tippecanoe; which was carried in the affirmative.

And on the question being put to recede from said amendment; it was carried in the affirmative.

*Ordered*, That the Senate be informed thereof.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they did on this day, present to the Governor for his approval and signature,

An act to amend an act entitled, An act relative to county boundaries, approved, January 21<sup>st</sup> 1824; and,

An act for the relief of the trustees of the school section No. 16, township No. 14, in range No. 13 east, in Fayette county.

The House resumed the consideration of the orders of the day.

The bill attaching part of the county of Pike to the county of Warrick; the bill supplemental to an act, entitled, An act declaring certain streams therein named public highways; and the bill from the Senate entitled An act providing for the payment of the balance due the contractors for building the court house at Indianapolis; were read a second time and committed to a committee of the whole House on Monday next.

The bill to amend the act regulating the militia of the state of Indiana, was read a second time:

Whereupon,

Mr. Hillis moved to postpone the further consideration thereof indefinitely; which was decided in the negative.

Said bill was then committed to a committee of the whole House on Monday next.

The bill to amend the act, entitled, An act regulating the fees of the several officers and persons therein named; was read a second time.

The engrossed bill from the Senate entitled An act amendatory of an act to regulate the mode of doing county business, approved, January 31<sup>st</sup> 1824; was read a second time:

Whereupon,

Mr. Lemon moved to postpone the further consideration thereof indefinitely; which was carried in the affirmative; and the ayes and noes being required by Messrs. Gard and Richardson, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Clendenin, Craig, Fitzgerald, Gray, Hillis, Howk, Johnson, Lemon, Lewis of Wayne, Marshall, Moffatt, Paddacks, Posey, Riley, Robertson, Stewart, Sweetser, Williams, Worth and Evans, speaker—25.

*And those who voted in the negative are,*

Messrs. Child, Claypool, Daniel, Gard, Guion, Hannah, Jackson, Keen, Ketcham, Lewis of Franklin, Lomax, Palmer, Paxton, Pepper, Reed, Richardson, Rose, Sims, Stanford, Walker and Wallace—21.

And so said bill was indefinitely postponed.

The engrossed joint resolution, respecting the agent of the state at Indianapolis; the engrossed bill to repeal part of an act supplemental to an act declaring Blue river, a public highway, and for other purposes, approved February 11, 1825; the engrossed bill from the Senate, concerning prosecuting attornies, as amended; the engrossed bill, to legalize the acts of Jacob B. Lowe, clerk of Monroe county; the engrossed bill from the Senate, for the benefit of the securities of Nathaniel W. Marks, late sheriff of Rush county; the engrossed bill from the Senate, to provide for the continuation of the survey of the state road from Terre-Haute to Fort Wayne; the engrossed bill from the Senate, amendatory of the act to locate and establish a seminary, in and for the county of Union, approved, February 7th, 1825; and the engrossed bill to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly, were severally read a third time and passed.

*Ordered,* That the bills of this House, be entitled acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

*Ordered,* That the Clerk ask the concurrence of the



Senate, to the amendment made by this House to the bill from the Senate, concerning prosecuting attorneys.

The engrossed bill from the Senate to establish certain state roads therein named, was read a third time:

And on motion by Mr. Sweetser,

Was amended by consent, by the addition of another section. Said bill then passed as amended.

*Ordered*, That the Clerk carry the same to the Senate, and ask their concurrence in said amendment.

The engrossed bill to repeal the act entitled An act to authorize called sessions of the circuit courts, was read a third time.

On the question being put, Shall said bill pass? It was decided in the negative; and the ayes and noes being required by Messrs. Posey and Claypool are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Child, Hannah, Hawk, Lemon, Lewis of Wayne, Lomax, Marshall, Moffatt, Sweetser, and Worth—12.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gard, Guion, Hillis, Jackson, Johnson, Keen, Ketcham, Lewis of Franklin, Paddacks, Palmer, Paxton, Pepper, Posey, Reed, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Walker, Wallace, Williams & Evans, speaker—32.

And so said bill was rejected.

The engrossed bill requiring certain duties to be performed by the Secretary of State, Auditor of Public Accounts and Treasurer of State, was read a third time and ordered to lie on the table.

The engrossed bill from the Senate, to amend the act entitled, An act for the better management of the state prison, and for other purposes, approved, January 31, 1824, was read a third time as amended, and passed.

*Ordered*, That the clerk carry the same to the Senate, and ask their concurrence in said amendment.

Whereupon,  
The House adjourned until Monday morning 9 o'clock.

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MONDAY MORNING, JANUARY 16, 1826.

The House met pursuant to adjournment.

On motion of Mr. Beckes,

*Resolved*, That the door-keeper, be authorized forthwith to contract with some person or persons, to furnish fire wood for the use of this House.

Mr Sims presented a petition of J. Dunn, praying certain relief; which was read and ordered to lie on the table.

Mr. Worth presented a remonstrance of John B. Might and others, of Randolph county, against declaring a certain part of White river, a public highway; which was read and referred to the same committee of the whole, to whom was referred the bill to improve the navigation of said river.

Mr. Clendenin from the committee of ways and means, reported a bill making specific appropriations for the year 1826; which was twice read, the rule having first been dispensed with, and committed to a committee of the whole House to-morrow.

Mr. Howk, from the judiciary committee, reported a bill supplementary to the act regulating the judicial circuits and fixing the times of holding courts therein, and the act to amend the same; which was twice read, the rule having first been dispensed with, and committed to a committee of the whole House to-morrow.

Mr. Howk, from the judiciary committee to whom was referred a resolution of this House, on that subject, reported a joint resolution, providing for publishing with the acts of the General Assembly at the present session, the laws of the United States, relative to the naturalization of aliens; which was twice read, the rule having

first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed an engrossed bill from the House of Representatives, entitled, An act authorizing a sale of part of the public square in the town of Liberty, in the county of Union, with an amendment; in which they ask the concurrence of this House. I am directed to inform this House that the title of the bill from the House of Representatives, on the subject of Claudius G. Brown and the county seminary of Knox county, was changed by the Senate, and said bill was reported as an original bill of the Senate by mistake.

The amendment proposed by the Senate to the first named bill, was read and disagreed to by the House.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Palmer, from the committee on the affairs of Indianapolis, to whom was re-committed the bill to vacate certain lots in the town of Indianapolis, and for other purposes; and the bill concerning the agent of the state at Indianapolis—reported the same with a substitute: Which was twice read and concurred in by the House.

Said bill was then committed to a committee of the whole House to-morrow.

Mr. Pepper, from the committee of free conference, appointed on the disagreeing votes of the two Houses, relative to the amendments proposed by the Senate, to the bill from this House, for the apportionment of senators and representatives to the General Assembly—reported that the committee of both Houses, had agreed upon the following, as an amendment thereto:—

A bill for the apportionment of Senators and Representatives to the General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the state of Indiana,* That for the purpose of electing senators to the General Assembly, for the ensuing five years, the state be, and the same is hereby divided as follows, to wit: The counties of Posey, Vanderburgh,

Warrick and Spencer, shall form one district; the counties of Perry, Gibson, Pike, Dubois and Martin, one district; the counties of Knox, Daviess and Greene, one district; the counties of Sullivan, Vigo, Vermillion and Clay, one district; the counties of Orange and Lawrence, one district; the counties of Monroe, Jackson and Scott, and the country east of Monroe and west of Bartholomew, one district; the counties of Harrison and Crawford, one district; the counties of Clark and Floyd, one district; the county of Washington, one district; the counties of Jefferson and Jennings, one district; the counties of Switzerland, Ripley and Decatur, one district; the county of Dearborn, one District; the counties of Franklin and Rush, one district; the counties of Fayette and Union, one district; the county of Wayne, one district; the counties of Randolph, Allen, Henry, Hamilton, Marion and Delaware, one district; the counties of Shelby, Bartholomew, Madison, Johnson and Morgan, one district; the counties of Owen, Putnam, Montgomery, Hendricks, Parke, Fountain, Tippecanoe and Wabash, one district. And each of the said districts, shall be entitled to elect one senator.

SECTION 2d. That for the purpose of electing representatives to the General Assembly, for the next five years, the state be, and the same is hereby divided as follows, to wit: The counties of Wayne and Dearborn, each shall be entitled to three representatives; the counties of Franklin, Jefferson, Clark, Washington and Harrison, each two representatives; the counties of Posey, Gibson, Knox, Sullivan, Vigo, Monroe, Lawrence, Orange, Crawford, Floyd, Ripley, Switzerland, Union, Fayette and Rush, each to one representative; the county of Jackson, and and the country west of Bartholomew and east of Monroe, to one representative; the counties of Vanderburgh and Warrick, to one representative; the counties of Perry and Spencer, to one representative; the counties of Pike and Dubois, to one representative; the counties of Greene, Owen and Clay, to one Representative; the counties of Putnam and Morgan, to one Representative; the counties of Montgomery, Fountain, Tippecanoe and Wabash, to one Repre-

sentative; the counties of Marion and Hendricks, to one Representative; the counties of Bartholomew and Johnson, to one Representative; the counties of Shelby and Decatur, to one Representative; the counties of Scott and Jennings, to one Representative; the counties of Henry, Madison and Hamilton, to one Representative; the counties of Randolph, Allen and Delaware, to one Representative; the counties of Parke and Vermillion, to one Representative; and the counties of Daviess and Martin, to one Representative.

Which being read was ordered to lie on the table.

Mr. Robertson, after having obtained leave, presented a bill legalizing the proceedings of the board of justices of Hendricks county; which was twice read, the rule having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Lomax offered the following resolution, which was read, and ordered to lie on the table, to wit:

*Resolved*, That this House will adjourn sine die on Friday next, the 20th inst., that the Senate be informed thereof, and the adoption of a similar resolution on their part requested.

Mr. Child presented the following resolution, for the consideration of the House, to wit:

*Resolved*, That this House will adjourn at one o'clock P. M., meet at two o'clock P. M., and adjourn at seven o'clock P. M. each day until an adjournment of this Legislature, shall take place sine die.

Mr. Lewis of Wayne, moved to amend the same, so as to meet at eight o'clock in the morning; and

On motion of Mr. Hawk,

The resolution and amendment were ordered to lie on the table.

Mr. Lomax presented the following resolution for the consideration of the House, to wit:

*Resolved*, That a select committee be appointed, with instructions to enquire what amendments, if any ought to be made, to the constitution of the state of Indiana, more particularly to enquire into the expediency of so amending the same as to expunge therefrom, the twenty-third section of the third article, which provides:

“that all officers shall be removed from office, by impeachment before the General Assembly,” and also to expunge therefrom, the third and twenty-fifth sections of the said article, which require “Representatives to be chosen annually, and the General Assembly, to meet in each and every year,” that the same may be otherwise provided for by law, so that officers may be removed from office by the verdict of a jury, and judgment of a court, and the General Assembly may meet once every two years.

*Resolved further,* That the said committee enquire whether it is not expedient to provide by law, to amend the constitution in part, without subjecting the whole to revision, by submitting certain obnoxious parts thereof, to the people for their opinion at the annual election, and whether provision cannot be made, for constituting the members of the General Assembly, by special delegation; members of a convention to carry the will of the people into effect on the subjects submitted to them.

Mr. Hillis moved to amend said resolution as follows: “and that the second section of the sixth article be so amended, that the mode of voting be changed, so as to vote *viva voce*; which was adopted.

And on the question being put, Shall said resolution as amended be adopted? It was decided in the negative; and the ayes and noes being required by Messrs. Beckes and Sims, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Claypool, Craig, Hannah, Hillis, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Posey, Robertson, Stanford, Sweetser and Wallace—15.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Child, Clendenin, Daniel, Fitzgerald, Gard, Gray, Guion, Howk, Jackson, Johnson, Keen, Marshall, Moffatt, Paxton, Pepper, Reed, Riley, Sims, Stewart, Walker, Williams, Worth and Evans, speaker—26.

And so said resolution was not adopted.

Mr. Burnett, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bills, entitled,

An act for the relief of revolutionary soldiers; and,  
A memorial of the General Assembly of the state of Indiana, to the congress of the United States, on the subject of the National Road;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered.* That the clerk carry the same to the Senate for the signature of their President.

The House proceeded to consider the orders of the day.

On motion of Mr. Stewart,

The House took up the joint resolution from the Senate, for the relief of the securities of M. H. Tucker—and then the House resolved itself into a committee of the whole, on said joint resolution:

After some time spent therein, the Speaker resumed the chair, and Mr. Richardson reported the same, with one amendment; which was read and concurred in by the House.

*Ordered,* That the said amendment be engrossed and read a third time to-day.

Said joint resolution was then read a third time as amended, and passed.

*Ordered,* That the Clerk carry the same to the Senate, and ask their concurrence in said amendment.

The bill from the Senate entitled An act for the relief of the collectors of Shelby and Johnson counties, was read a second time, and committed to the same committee of the whole House to which was committed a bill of this House, for the relief of the collector of Jefferson county.

The joint resolution from the Senate, explanatory of an act requiring the secretary of state to procure a letter book for the use of this state, was read a second time, and ordered to be read a third time to-morrow.

The House resolved itself into a committee of the

whole on the bill for the formation of a new county, out of the county of Delaware:

After some time spent therein, the Speaker resumed the chair, and Mr. Riley reported the same, with one amendment, which was by striking out the first section of said bill; which was concurred in by the House; and

On motion by Mr. Lemon,

The further consideration thereof was indefinitely postponed.

The House resolved itself into a committee of the whole, on the bill to incorporate the town of Salem, in the county of Washington:

After some time spent therein, the Speaker resumed the chair, and Mr. Robertson reported the same, with one amendment; which was by striking out the first section thereof,

And on the question being put, Will the House concur in said amendment? it was decided in the negative; and the ayes and noes being required by Messrs. Child and Sims are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Burnett, Claypool, Clendenin, Craig, Fitzgerald, Hannah, Hillis, Johnson, Lewis of Wayne, Lomax, Moffatt, Posey, Reed, Rose, Stewart and Walker—18.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Child, Daniel, Gard, Gray, Guion, Hawk, Jackson, Keen, Ketcham, Lemon, Lewis of Franklin, Marshall, Palmer, Paxton, Pepper, Richardson, Riley, Robertson, Sims, Stanford, Sweetser, Wallace, Williams, Worth and Evans, speaker—27.

So the House refused to concur in said amendment.

Mr. Hannah moved to postpone the further consideration of said bill indefinitely; which was decided in the negative.

Said bill was then read a third time, and passed.

*Ordered,* That the same be entitled An act, and



that the Clerk carry the same to the Senate, and ask their concurrence therein.

The House, resolved itself into a committee of the whole, on the bill authorizing the board of justices of Gibson county, to vacate certain streets in the town of Princeton:

After some time spent therein, the Speaker resumed the chair, and Mr. Rose reported the same, with one amendment; which was read and concurred in by the House.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole on the bill reviving and confirming an act incorporating the town of Lawrenceburgh, in the county of Dearborn, and territory of Indiana, approved December —1815; and extending the privileges of the freemen of said town:

After some time spent therein, the Speaker resumed the chair, and Mr. Sims reported the same with several amendments; which were read at the clerk's table and concurred in by the House.

Said bill was then ordered to be considered as engrossed, read a third time and passed.

*Ordered*, That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Hawk,

The orders of the day were for the present dispensed with.

Mr. Hawk, after having obtained leave, presented a bill to authorize the qualified voters of the first school district in Clark's Grant, to elect a trustee; which was read and passed to a second reading to-morrow.

Mr. Johnson presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the report of the committee of free conference heretofore appointed to take into consideration the disagreeing votes between the two houses, relative to the bill for the apportionment of Senators and Representatives to the General Assembly, be referred to the same committee, with instructions so to amend the report as to give the counties of Knox, Orange, Switzerland and Fayette, an additional representative each; that the Senate be informed of the adoption of this resolution, and the adoption of a similar one on their part requested.

Mr. Walker moved to amend said resolution so as to instruct said committee to give the counties of Jennings and Scott, one Representative each.

Said resolution and amendment were read and ordered to lie on the table.

On motion of Mr. Palmer,

The House took up, and proceeded to consider the report of the committee of free conference made this morning, relative to the disagreeing votes of the two Houses, on the bill making an apportionment of Senators and Representatives to the General Assembly.

And on the question being put, Will the House concur in the report of said committee, it was decided in the negative; and the ayes and noes being required by Messrs. Walker and Stanford, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Burnett, Child, Claypool, Craig, Fitzgerald, Guion, Hannah, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Pepper, Posey, Reed, Robertson, Rose, Stewart and Williams—23.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Clendenin, Daniel, Gard, Gray, Johnson, Keen, Ketcham, Marshall, Moffatt, Palmer, Paxton, Richardson, Riley, Sims, Stanford, Sweetser, Walker, Wallace, Worth and Evans, speaker—23.

And so said report was not concurred in by the House.

Mr. Moffatt moved that this House recede from their disagreement to the amendments proposed by the Senate, to the bill from this House, entitled An act making an apportionment of Senators and Representatives to the General Assembly; which was decided in the negative: and the ayes and noes being required by Messrs. Craig and Howk, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Clendenin, Daniel, Fitzgerald, Gard, Gray, Johnson, Keen, Ketcham, Moffatt, Paxton, Richardson, Riley, Sims, Stanford, Stewart, Walker, Wallace and Evans, speaker—19.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Boon, Burnett, Child, Claypool, Craig, Guion, Hannah, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paddacks, Palmer, Pepper, Posey, Reed, Robertson, Rose, Sweetser, Williams and Worth—27.

And so the House refused to recede from their disagreement.

Mr. Hannah moved that this House adhere to their disagreement to the amendments, proposed by the Senate, to the bill from this House, entitled An act making an apportionment of Senators and Representatives to the General Assembly; which was decided in the negative: and the ayes and noes being required by Messrs. Craig and Lewis of Wayne, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Burnett, Craig, Gard, Hannah, Hillis, Howk, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paddacks, Palmer, Pepper, Posey, Reed, Rose and Worth—19.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Child, Claypool, Clendenin, Daniel, Fitzgerald, Gray, Guion, Johnson,

Keen, Ketcham, Marshall, Moffatt, Paxton, Richardson, Riley, Robertson, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams and Evans, speaker—27.

And so the House refused to adhere to their disagreement.

A message from the Senate by Mr. Farnham their assistant secretary:

*Mr. Speaker,*

The Senate disagree to the first amendment made by the House of Representatives to the engrossed bill of the Senate, entitled An act concerning prosecuting attorneys—They concur in the 3d amendment with an amendment, and also with the fourth and last amendments to said bill.

They concur in the amendment made by the House of Representatives, to the engrossed bill from the Senate, entitled An act establishing certain state roads therein named.

They concur in the amendment made by the House of Representatives, to a joint resolution for the benefit of the securities of Martin H. Tucker, deceased.

They recede from the amendments proposed by them to the engrossed bill from the House of Representatives, entitled, An act to authorize the sale of a part of the public square in the town Liberty, in the county of Union.

They have passed original bills of the following titles viz:

An act to provide for the location and survey of a canal route, to connect the navigation of the Wabash river, with the Miami of the lakes; and

An act to amend an act entitled, An act declaring certain streams therein named public highways, approved January 26, 1824; In which the concurrence of the House of Representatives is requested.

On motion,

The House insist on their first amendment proposed to the bill from the Senate, relative to prosecuting attorneys, and disagree to the amendment of the Senate, to the second amendment of this House.

*Ordered*, That the Clerk inform the Senate thereof. The bill to provide for the location and survey of a canal route to connect the navigation of the Wabash river, with the Miami of the lakes, was twice read, the rule having first been dispensed with, and committed to the same committee of the whole, to whom was committed the bill of this House on the same subject.

The bill to amend An act declaring certain streams therein named public highways, approved, January 26, 1824, was twice read, the rule having first been dispensed with,

Mr. Worth moved to postpone the further consideration of said bill indefinitely; which was decided in the negative.

*Ordered*, That said bill be read a third time to-morrow.

The engrossed bill from the Senate, entitled An act amendatory of the law, and for the better advancement of justice, was read a third time as amended and passed.

*Ordered*, That the Clerk carry the same to the Senate, and ask their concurrence in said amendments.

Mr. Burnett, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bill entitled, An act to authorize the several townships in certain counties herein named to elect township officers and for other purposes, and find the same truly enrolled.

Whereupon,

The Speaker signed the same:

*Ordered*, That the Clerk carry the same to the Senate, for the signature of their President.

The House resolved itself into a committee of the whole on the bill to improve the navigation of the east and west forks of White river, and a remonstrance of John B. Wright, and others:

After some time spent therein the Speaker resumed the chair, and Mr. Stanford reported the same with several amendments, which were read and concurred in by the House, except the 4th amendment; which reads as follows, to wit:

"That Salt creek from Hough's salt works, in Monroe county, township 8, north of range No. 1 east, section 22; is hereby declared a public highway to its junction with the east fork of White river;" in which amendment the House refused to concur.

On motion of Mr. Stanford,

Said bill was further amended by striking out the word "Madison," in the first section.

*Ordered*, That said bill be engrossed and read a third time to-morrow.

A message from the Governor by Mr. Wick, Secretary of State:

*Mr. Speaker,*

His Excellency the Governor has instructed me to announce to the House of Representatives that the enrolled bills, entitled:

An act for the relief of the trustees of the school section No. 16, township 14, in range No. 13, in Fayette county. And

An act to amend an act entitled, An act relative to county boundaries, approved January 21, 1824,

Have on this day January 16, 1826, received his approbation and signature; which bills originated in the House of Representatives.

The said bills have been filed in the office of the secretary of state.

On motion of Mr. Beckes,

The House proceeded to consider the amendments proposed by the Senate, to the bill from this House, entitled an act to repeal an act, entitled An act for the relief of Claudius G. Brown; which were read and disagreed to.

*Ordered*, That the Clerk inform the Senate thereof.

Whereupon,

The House adjourned to meet at 6 o'clock this evening.

6 o'clock P. M.

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole, on the bill to amend an act entitled An act re-

quiring certain public officers to give security, approved January 26, 1825:

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Sweetser reported said bill, with an amendment, which was by striking it out from its enacting clause.

And on the question being put, Will the House concur in said amendment? it passed in the affirmative, and the ayes and noes being demand by Messrs. Craig and Claypool are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Child, Craig, Fitzgerald, Gray, Hannah, Hillis, Hawk, Jackson, Keen, Ketcham, Lemon, Lewis of Franklin, Moffatt, Paddacks, Posey, Richardson, Riley, Robertson, Stewart Walker, Wallace, Williams and Evans, speaker—28.

*And those who voted in the negative are,*

Messrs. Claypool, Clendenin, Daniel, Gard, Guion, Lewis of Wayne, Lomax, Marshall, Palmer, Paxton, Pepper, Reed, Rose, Stanford, Sweetser, and Worth—16. And

On motion,

The further consideration thereof was indefinitely postponed.

Mr. Pepper moved to re-consider the vote of this House, of to-day, refusing to recede from their disagreement to the amendments proposed by the Senate, to the bill from this House, entitled An act for the apportionment of Senators and Representatives, to the General Assembly.

And on the question, Will the House re-consider said vote? it was determined in the affirmative.

The question was then put, Will the House recede from their disagreement to the said amendment? it passed in the affirmative; and the ayes and noes being required by Messrs. Robertson and Pepper, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Child, Clendenin, Daniel, Fitzgerald, Gard, Gray, Guion, Hannah, Jackson, Johnson, Keen, Ketcham, Lewis of Wayne, Lomax, Moffatt, Paddacks, Paxton, Pepper, Richardson, Riley, Sims, Stanford, Stewart, Walker, Wallace and Evans, speaker—28.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Claypool, Craig, Hillis, Hawk, Lemon, Lewis of Franklin, Marshall, Palmer, Posey, Reed, Robertson, Rose, Sweetser, Williams and Worth—18.

The said amendments were then agreed to by the House.

*Ordered,* That the clerk inform the Senate thereof.

Whereupon,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, JANUARY 17, 1826.

The House met pursuant to adjournment.

Mr. Paxton presented a petition of John Berry and others, of Madison county, praying articles of impeachment may be preferred against Moses Cox, clerk of Madison county, for certain malconduct in office; which was read and ordered to lie on the table.

Mr. Palmer from the select committee to whom was referred the petition of Samuel M'George, reported that they have had the same under consideration, and are of opinion that the prayer of the petitioner is unreasonable, and ought not to be granted; which being read was concurred in by the House.

Mr. Richardson from the joint committee for enrolled bills reported, that they did on yesterday present to the Governor for his approval and signature:



An act to establish a state road from Liberty in Union county, to New Castle in Henry county.

An act for the relief of revolutionary soldiers. And

A memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of the Cumberland road.

The Speaker laid before the House a communication from W. H. Lilly, Auditor of Public Accounts, in pursuance of a resolution of this House some time since, relative to the monies arising from the sale of lots at Indianapolis; which was read and referred to the committee on the affairs of Indianapolis.

Mr. Moffatt submitted the following report, to wit:

*Mr. Speaker,*

The committee to whom was referred the memorial of Thomas S. Hinde upon the subject of incorporating a company to act in conjunction with the Wabash navigation company, incorporated by the state of Illinois, beg leave to report: That not being in possession of the act of incorporation, passed by the legislature of Illinois, and as the session is drawing near a close, they find it impossible to act upon the subject at the present session. Which being read, was concurred in by the House.

The House proceeded to consider the orders of the day.

The joint resolution disapproving the amendments proposed by the state of Tennessee to the constitution of the United States, was read a second and third time, the rule having been first dispensed with—

And on the question being put, Shall said joint resolution be adopted? it was carried in the affirmative: and the ayes and noes being required by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Child, Craig, Gard, Gray, Hannah, Hillis, Howk, Johnson, Keen, Ketcham, Lewis of Franklin, Palmer, Riley, Robertson, Rose, Sims, Sweetser, Walker, Worth and Evans, speaker—23.

*And those who voted in the negative are,*  
Messrs. Burnett, Claypool, Clendenen, Daniel, Fitzgerald, Guion, Jackson, Lemon, Lewis of Wayne, Lomax, Marshall, Paxton, Pepper, Posey, Reed, Stanford, Stewart, Wallace and Williams—19.

And so said joint resolution was adopted.

*Ordered,* That the clerk carry the same to the Senate and ask their concurrence therein.

The bill authorizing the election of a trustee in the first school district in Clark's Grant, was read a second and third time, the rule having first been dispensed with, and passed.

*Ordered,* That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Lemon,

The committee of the whole to whom was committed the bill authorizing the laying off certain state roads in this state, were discharged from the further consideration thereof. And,

On motion of Mr. Lemon,

The further consideration thereof was indefinitely postponed.

On motion of Mr. Fitzgerald,

The committee of the whole to whom were committed the bill for the relief of persons owning lots in the town of Springfield, in Posey county, were discharged from the further consideration thereof.

Said bill was then read a third time and passed.

*Ordered.* That the same be entitled An act, and that the clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Beckes,

The committee of the whole to whom was committed the bill to provide for the sale of the seminary lands in Gibson and Monroe counties, were discharged from the further consideration thereof.

Mr. Beckes then moved to postpone the further consideration thereof indefinitely, which was decided in the negative; and the ayes and noes being required by Messrs. Lomax and Worth, are as follows, to wit;

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Clendenin, Gard, Hillis, Howk, Jackson, Keen, Lewis of Franklin, Lewis of Wayne, Moffatt, Palmer, Pepper, Posey, Reed, Riley, Rose, Stanford, Sweetser, Walker and Williams—21.

*And those who voted in the negative are,*

Messrs. Blair, Child, Claypool, Craig, Daniel, Fitzgerald, Gray, Guion, Johnson, Ketcham, Lemon, Lomax, Marshall, Paxton, Richardson, Robertson, Sims, Stewart, Wallace, Worth and Evans, speaker—21.

And so said bill was not indefinitely postponed.

On motion of Mr. Claypool,

The committee of the whole, to whom was committed the bill to amend the act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state, approved, February 3, 1825; and the bill regulating the admission of attorneys and counsellors at law, were discharged from the further consideration thereof. And

On motion of Mr. Claypool,

The further consideration of the bill incorporating medical societies for the purpose of regulating the practice of physic and surgery, &c. was indefinitely postponed.

Mr. Lemon also moved to postpone indefinitely, the further consideration of the bill regulating the admission of attorneys and counsellors at law; which was carried in the affirmative: and the ayes and noes being required by Messrs. Sims and Ketcham, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Clendenin, Daniel, Fitzgerald, Hannah, Hillis, Jackson, Johnson, Lemon, Lewis of Franklin, Pepper, Posey, Reed, Richardson, Robertson, Rose, Stewart, Walker, Wallace, Williams and Evans, speaker—21.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Child, Claypool, Craig, Gard, Guion, Howk, Keen, Ketcham, Lewis of Wayne, Lo-

max, Marshall, Moffatt, Palmer, Paxton, Riley, Sims, Sweetser and Worth—20.

And so said bill was indefinitely postponed.

On motion of Mr. Moffatt,

The committee of the whole, to whom was committed the bill concerning wolves and dogs, were discharged from the further consideration thereof.

Mr. Beckes moved to postpone the further consideration of said bill indefinitely; which was decided in the negative: and the ayes and noes being required by Messrs. Sweetser and Hillis, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Burnett, Claypool, Clendenin, Daniel, Hannah, Hawk, Jackson, Johnson, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Paxton, Posey, Rose and Evans, speaker—19.

*And those who voted in the negative are,*

Messrs. Blair, Child, Craig, Fitzgerald, Gard, Gray, Guion, Hillis, Keen, Lemon, Marshall, Palmer, Pepper, Riley, Robertson, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams and Worth—23.

And so said bill was not indefinitely postponed.

Mr. Lomax moved to re-commit said bill to a committee of the whole House to-morrow; which was decided in the negative.

And on the question being put, Shall said bill be engrossed and read a third time? it was determined in the negative: and the ayes and noes being required thereon by Messrs. Sweetser and Hillis, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Child, Craig, Fitzgerald, Gard, Gray, Hillis, Keen, Lemon, Marshall, Palmer, Reed, Robertson, Sims, Stanford, Sweetser, Walker, Wallace, Williams and Worth—20.

*And those who voted in the negative are,*

Messrs. Beckes, Boon, Burnett, Claypool, Clenden-

in, Daniel, Hannah, Howk, Jackson, Johnson, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Paxton, Pepper, Posey, Riley, Rose, Stewart and Evans, speaker—22.

And so said bill was rejected.

Mr. Burnett, from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills entitled:

An act to provide for the continuation of the survey of the state road from Terre Haute to Fort Wayne.

An act amendatory to an act entitled, An act to locate and establish a seminary in and for the county of Union, approved, February 7th 1825; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The Senate have receded from their disagreement to the first amendment made by the House of Representatives to the engrossed bill from the Senate entitled:

An act concerning prosecuting attornies, and concur in the same.

They have refused to concur in the report of the committee of free conference, on the subject of the disagreeing votes of the two Houses, relative to the amendments made by the Senate to the engrossed bill from the House of Representatives, entitled, An act for the apportionment of senators and representatives to the General Assembly.

The Senate concur in the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 10th, 12th, 13th and 14th amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled An act amendatory of the law and for the better advancement of justice. They disagree to the 5th, 9th and 15th amendments proposed by this House to said bill, and they concur in the 11th amend-

ment, with an amendment; in which they ask the concurrence of this House.

On motion,

The House insist on their 5th and 9th amendments proposed to the bill from the Senate, entitled An act amendatory of the law, and for the better advancement of justice; and concur in the amendment proposed by the Senate to the eleventh amendment of this House to said bill.

Mr. Claypool moved that this House recede from the fifteenth amendment proposed to said bill; which was by striking out the tenth section thereof: and the ayes and noes being required by Messrs. Beckes and Gray, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Burnett, Child, Claypool, Craig, Daniel, Guion, Jackson, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Paxton, Pepper, Posey, Reed, Riley, Robertson, Stanford, Stewart, Wallace, Williams, Worth and Evans, speaker—25.

*And those who voted in the negative are,*

Messrs. Beckes, Clendenin, Gray, Hannah, Hillis, Hawk, Johnson, Keen, Lemon, Marshall, Moffatt, Palmer, Rose, Sims, Sweetser and Walker—16.

*Ordered,* That the clerk inform the Senate thereof.

The House resolved itself into a committee of the whole on the bill amendatory of the several acts for assessing and collecting the revenue:

After some time spent therein the Speaker resumed the chair, and Mr. Walker reported progress, and asked leave to sit again:

Which leave was accordingly given by the House.

Whereupon,

The House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Burnett, from the joint committee for enrolled

bills reported, that they have compared the enrolled with the engrossed bills, entitled—

An act for the formation of the county of Tippecanoe.

An act establishing certain state roads therein named.

An act for the benefit of the securities of Nathaniel W. Marks, late sheriff of Rush county; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate, for the signature of their President.

Mr. Moffatt moved to re-consider the vote of this morning, on the question to engross the bill concerning dogs and wolves; which was carried in the affirmative.

And on motion of Mr. Sweetser,

Said bill was ordered to lie on the table.

A message from the Governor by Mr. Wick, Secretary of State:

*Mr. Speaker,*

I am directed by his Excellency the Governor to announce to the House of Representatives that on this day (January 17th) the enrolled bills, which originated in the House of Representatives, entitled:

An act for the relief of revolutionary soldiers.

An act to establish a state road from Liberty in Union county, to Newcastle in Henry county—have received his approbation and signature.

The said bills have been filed in the office of the secretary of state.

The House again resolved itself into a committee of the whole, on the bill amendatory to the several acts for assessing and collecting the revenue:

After some time spent therein, the Speaker resumed the chair, and Mr. Walker reported the same with several amendments; which were read at the clerk's table and concurred in by the House.

Mr. Walker proposed further to amend said bill by adding the following as an additional section:

“It shall be the duty of every collector to call once at the most usual and best known place of residence, of each and every person charged on his duplicate with

state and county revenue, on or before the first day of September annually; *Provided however*, That a demand made at any other time or place within the proper county, shall be deemed a sufficient demand."

Which being read was adopted.

Mr. Hillis moved further to amend said bill, by adding the following at the end of the second section—  
"That all laws and parts of laws now in force within this state, that authorizes the laying and collecting of a poll tax, for state and county purposes, be and the same are hereby repealed."

And on the question being put, Shall the bill be so amended? It was decided in the negative. The ayes and noes being required by Messrs Hillis and Walker are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Claypool, Gray, Guion, Hillis, Keen, Palmer, Robertson, Rose, Stanford and Walker—10.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Burnett, Child, Clendenin, Craig, Fitzgerald, Hannah, Hawk, Jackson, Johnson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paxton, Pepper, Posey, Reed, Riley, Sims, Stewart, Sweetser, Wallace, Williams, Worth and Evans, speaker—29.

And so the bill was not so amended.

Mr. Keen moved further to amend said bill, by adding the following as an additional section thereto:—

"It shall be the duty of each and every collector to pay over at least one half of the amount expressed in his duplicate on or before the — in December annually, and the balance on or before the first Monday in the April following: any thing in the acts to which this is an amendment to the contrary notwithstanding."

Which being read was rejected by the House.

Mr. Beckes moved further to amend said bill by adding the following:—"That no other fee or charge shall be allowed to collectors for advertising property in a newspaper, for non payment of taxes, than so much as



is usually charged per square for other advertisements, which sum shall be allowed to such collector, by the treasurer of state, upon the settlement of the duplicate; any regulation to the contrary notwithstanding;" which being read was adopted by the House.

*Ordered*, That said bill be engrossed as amended and read a third time to-morrow.

A message from the Senate by Mr. Farnham their assistant secretary:

*Mr. Speaker,*

The Senate insist on the amendments proposed by them to the engrossed bill from the House of Representatives, entitled an act to repeal An act for the relief of Claudius G. Brown, approved January 26th 1824; and part of an act entitled an act supplemental to An act establishing a county seminary in the county of Knox, approved, February 12th 1825, to which the House of Representatives have disagreed.

They have passed a bill of the following title, viz:

An act for the better improvement of the state road from Indianapolis to Rushville, in which the concurrence of the House of Representatives is requested.

They insist on their objections to the fifth amendment proposed by the House of Representatives, to the engrossed bill from the Senate, entitled, An act amendatory of the law and for the better advancement of justice; and recede from their objections to the ninth amendment proposed by the House of Representatives to the said bill.

On motion of Mr. Beckes,

The House insist on their disagreement to the amendments proposed by the Senate, to the first named bill relative to Claudius G. Brown.

Mr. Sweetser moved that this House adhere to their fifth amendment proposed by this House to the bill from the Senate, amendatory of the law and for the better advancement of justice; which was decided in the negative. And

On motion,

The House continue to insist on their said amendment.

*Ordered*, That the Clerk inform the Senate thereof.  
The bill for the better improvement of the state road from Indianapolis to Rushville, was read the first time:

And on motion of Mr. Rose,

The same was rejected.

The House resumed the consideration of the orders of the day.

The engrossed bill to incorporate the Whitewater canal company, was read a third time and passed.

*Ordered*, That the same be entitled An act, and that the Senate be infored thereof and their concurrence therein requested.

The House now resolved itself into a committee of the whole on the bill supplementary to the act regulating the judicial circuits, and fixing the times of holding courts, and the act to amend the same:

After some time spent therein, the speaker resumed the chair and Mr. Stewart reported the same with several amendments; which were read and concurred in by the House.

On motion of Mr. Stewart,

The second section of said bill was amended as follows, to wit:—"And that the circuit court of Crawford county, in the fourth judicial circuit, shall commence and be holden on the fourth Mondays in March and September, and shall continue in session six days, if the business require it."

Mr. Gray moved further to amend the second section of said bill by adding the following, to wit:—"That the circuit court of the county of Scott, in the second judicial circuit, shall commence and be holden on the last Monday in February and second Monday in July, and shall sit twelve days if the business require it;" which being read, was rejected by the House.

Mr. Lomax moved further to amend said bill by striking out the fifth section thereof, which proposed to repeal the eighth and ninth sections of an act entitled an act to amend the act entitled, An act to regulate the judicial circuits, and fixing the times of holding courts, except so much as relates to the compensation allowed grand jurors; which was decided in the negative: and

the ayes and noes being required thereon by Messrs. Lomax and Burnett, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Boon, Burnett, Clendenin, Craig, Gray, Lomax, Marshall, Pepper, Reed, Stanford, Stewart, Walker and Worth—13.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Child, Claypool, Guion, Hannah, Hillis, Hawk, Jackson, Johnson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Moffatt, Palmer, Paxton, Posey, Riley, Robertson, Rose, Sims, Wallace, Williams and Evans, speaker—26.

And so the bill was not so amended.

Whereupon,

The House adjourned until half past 6 o'clock P. M.

*Half past six o'clock P. M.*

House met pursuant to adjournment.

On motion of Mr. Sweetser,

The House took up the bill concerning dogs and wolves. And

On motion of Mr. Sweetser,

The title thereof was altered to read as follows: A bill to encourage the destruction of wolves.

On motion of Mr. Hillis,

The same was amended as follows, to wit:—"That the county boards of justices of the counties of Jefferson and Jennings, if they deem it expedient, may allow the compensation allowed by this act for killing wolves;" which was read and adopted by the House.

*Ordered,* That said bill be engrossed as amended, and read a third time to morrow.

The House now resolved itself into a committee of the whole, on the bill to provide for the surveying and location of a route for a canal, to connect the navigation of the rivers Wabash and Miami of lake Erie, together with the amendments to the same; and the engrossed bill from the Senate, on the same subject:

And after some time spent therein, Mr. Speaker re-

sumed the chair, and Mr. Wallace reported said bills with an amendment to each,

And on the question being put, Shall the House concur in the amendment made by the committee of the whole, to the first named bill? which was by striking out of the second section thereof, the following:—"And allow the persons so employd a reasonable compensation for their services, which upon the certificate of said commissioners, shall be allowed by the Auditor, and paid by the Treasurer, out of the money hereafter appropriated for the purpose;" it passed in the affirmative: and the ayes and noes being demanded by Messrs. Sims and Moffatt, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Burnett, Child, Clendenin, Craig, Daniel, Gray, Guion, Hannah, Hillis, Jackson, Keen, Lewis of Franklin, Lomax, Marshall, Paddacks, Palmer, Paxton, Posey, Riley, Stanford, Stewart, Sweetser, Walker and Williams—25.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Claypool, Howk, Johnson, Ketcham, Lemon, Lewis of Wayne, Moffatt, Pepper, Robertson, Rose, Sims, Wallace, Worth and Evans, speaker—17.

The question was then put, Will the House concur in the amendment made in committee of the whole to the last mentioned bill? which was by striking out of the fourth section thereof, the following:—"And all the claims and accounts for services and necessary expenses under it, shall after the same have been certified as aforesaid, and approved by the Governor, be settled by the Auditor and paid by the Treasurer;" and it passed in the affirmative: and the ayes and noes being demanded by Messrs. Boon and Moffatt, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Burnett, Claypool, Clendenin, Craig, Gray, Guion, Hannah, Hillis, Jackson, Keen, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Mar-

shall, Paddacks, Palmer, Paxton, Posey, Riley, Stewart, Sweetser, Walker and Williams—25.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Boon, Howk, Johnson, Ketcham, Moffatt, Robertson, Rose, Sims, Stanford, Wallace, Worth and Evans, speaker—14.

On motion of Mr. Palmer,

The said bill was then ordered to lie on the table.

And on motion of Mr. Lomax,

The further consideration of the first named bill, was indefinitely postponed.

Whereupon,

The House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, JANUARY 18th, 1826.

The House met pursuant to adjournment.

Mr. Paxton presented the following report, to wit:

*Mr. Speaker,*

The select committee to whom was referred the petition of Gideon Wilson and others, praying part of the county of Hendricks may be attached to the county of Marion, have had the same under consideration, and report, that there appears to be but four hundred square miles in said county of Hendricks, therefore your committee are of opinion that the prayer of the petitioners ought not to be granted; which being read was concurred in by the House.

On the vote given on the eleventh instant, to amend the bill providing for licensing travelling merchants, as proposed by Mr. Clendenin, Mr. Keen voted in the affirmative, whose name was omitted by mistake.

On motion of Mr. Beckes,

The House took up, and went into a committee of the whole on the bill making specific appropriations for the year 1826:

After some time spent therein, the Speaker resumed the chair and Mr. Williams reported the same with several amendments.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

House met pursuant to adjournment.

The House proceeded to consider the amendments made in committee of the whole to the bill making specific appropriations for the year eighteen hundred and twenty six; which amendments to said bill were severally read and concurred in by the House, except the fourth amendment, which was by striking out forty dollars allowed to B. J. Blythe, Agent of the State at Indianapolis, for laying out twenty out lots in said town, and inserting thirty dollars, in which the House refused to concur.

Mr. Stanford proposed to amend the first section of said bill as follows, to wit:—"Strike out three dollars and fifty cents, for principal and assistant Clerks, and insert three, and after enrolling Clerks, insert two dollars and fifty cents."

Mr. Claypool moved to amend the amendment by striking out the words "principal clerks."

On motion of Mr. Howk,

Said amendments are ordered to be laid on the table.

*Ordered*, That said bill be engrossed and read a third time to-day.

On motion of Mr. Howk,

The committee of the whole, to whom were committed the bill from the Senate entitled, An act concerning salt springs in Orange county, were discharged from the further consideration thereof; said bill was read a third time and passed.

*Ordered*. That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The following engrossed bills from the House of Representatives, entitled acts to wit: An act establishing a

state road from Rockport to Boonville; An act to legalize the acts of Jacob B. Lowe, clerk of the circuit court of Monroe county, have been passed by the Senate, without amendment; also a joint resolution from the House of Representatives, respecting the agent of the state at Indianapolis.

The Senate have passed an original bill, entitled An act concerning ferries, in which the concurrence of the House of Representatives is requested.

The Senate recede from their objections to the fifth amendment proposed by the House of Representatives, to the engrossed bill from the Senate, entitled An act amendatory of the law and for the better advancement of justice.

They insist on their amendments to the engrossed bill from the House of Representatives, entitled an act for the relief of Claudius G. Brown, approved, January 26th 1824; and part of an act entitled an act to repeal An act establishing a county seminary in the county of Knox, approved, February 12th 1825.

The Senate have passed an engrossed bill entitled, an act amendatory to an act entitled, An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the said roads, approved December 31, 1821; in which the concurrence of the House of Representatives is requested.

The Senate have passed an engrossed bill from the House of Representatives entitled, An act to provide for printing and distributing the acts, joint resolutions and journals, of the present General Assembly, with amendments, in which the concurrence of the House of Representatives is requested.

The bill concerning ferries, was read the first time;  
And on motion of Mr. Beckes,  
Was rejected.

The amendments proposed by the Senate, to the bill of this House providing for printing and distributing the acts, joint resolutions and journals of the present General Assembly, were read and agreed to by the

House, except the fourth amendment, to which the House disagree.

*Ordered*, That the clerk inform the Senate thereof.

The bill amendatory to the Act authorizing the laying off certain state roads in this state and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund for opening the same, approved December 31, 1821, was read the first time; and

On motion of Mr. Beckes,

The same was rejected.

On motion of Mr. Beckes,

*Resolved*, That a committee of free conference be appointed on the part of this House, to act with a similar committee to be appointed on the part of the Senate, relative to the disagreeing votes of the two Houses, relative to the amendments proposed by the Senate, to the bill from this House, to repeal An act for the relief of Claudius G. Brown, approved January 26th 1824, and part of an act entitled, an act supplemental to An act establishing a county seminary in the county of Knox, approved February 12th 1825.

Whereupon,

Messrs. Beckes and Marshall, were appointed said committee.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hannah presented the following resolution, for the consideration of the House, to wit:

*Resolved*, That a committee be appointed to consist of five members, to examine the bills in the orders of the day in this House, and report what they conceive would be expedient to act on; and that Messrs. Palmer, Howk, Clendenin, Keen and Child be that committee.

Mr. Walker moved to amend the resolution by adding the following:—"And that this House will adjourn sine die, on Saturday next at twelve o'clock; that the Senate be informed thereof, and a similar resolution on their part requested;" which was adopted.

Mr. Worth moved to lay the resolution on the table; which was determined in the negative.

The resolution was then read as amended, and adopted by the House.



*Ordered*, That the Clerk inform the Senate thereof.  
Mr. Burnett from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bill entitled:

An act for the apportionment of Senators and Representatives to the General Assembly; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Richardson from the joint committee for enrolled bills, reported that they had presented to the Governor for his approval and signature, the following bills:

An act amendatory to an act entitled, An act to locate and establish a seminary in and for the county of Union, approved, February 7th 1825.

An act to provide for the continuation of the survey of the state road from Terre Haute to Fort Wayne.

An act for the benefit of the securities of Nathaniel W. Marks, late sheriff of Rush county.

An act establishing certain state roads therein named.

An act for the formation of the county of Tippecanoe.

An act to authorize the several townships in certain counties herein named, to elect township officers and for other purposes.

And that they have compared the enrolled with the engrossed bills of the following titles, to wit:

A Joint Resolution for the benefit of the securities of Martin H. Tucker, deceased.

An act concerning prosecuting attornies.

An act for the relief of the purchasers of lots in the town of Indianapolis; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, that the clerk carry the same to the Senate for the signature of their president.

Mr. Child, after having obtained leave, presented a joint resolution respecting the board doing county business for Marion county; which was twice read, the rule

having first been dispensed with, and ordered to be engrossed and read a third time to day.

The engrossed bill supplementary to the act regulating the judicial circuits and fixing the times of holding courts, and the act to amend the same—The engrossed Joint Resolution providing for publishing with the Acts of the present session of the General Assembly, the laws of the United States relative to the naturalization of aliens—The engrossed bill legalizing the proceedings of the board of justices of Hendricks county—The engrossed bill to vacate certain streets in the town of Princeton in Gibson county, and to vacate the town of Highbanks in Pike county, and Saundersville in Vanderburgh county—The engrossed bill to improve the navigation of the east and west forks of White River—The engrossed bill to encourage the destruction of wolves—The engrossed bill to attach part of the county of Pike to the county of Warrick—And the engrossed Joint Resolution respecting the board doing county business in Marion county, were severally read a third time and passed.

*Ordered,* That said bills be entitled Acts, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill from the Senate of the following title, to wit: An act to amend an act, entitled an act declaring certain streams therein named public highways, approved, January 26th 1824, was read a third time and passed without amendment.

*Ordered,* That the clerk inform the Senate thereof.

The engrossed Joint Resolution from the Senate explanatory of an act requiring the secretary of state to procure a letter book for the use of this state, was read a third time and passed without amendment.

*Ordered,* That the clerk inform the Senate thereof.

On motion of Mr. Baird.

The committee of the whole to whom were committed the bill from the Senate, entitled an act authorizing the leasing of Royce's Lick reserve, were discharged from the further consideration thereof.

The said bill was then read a third time and passed without amendment.

*Ordered*, That the Clerk inform the Senate thereof.

The engrossed bill making specific appropriations for the year 1826, was read a third time and passed.

Mr. Stanford voting in the negative.

*Ordered*, That the same be entitled An act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

Mr. Child after having obtained leave presented a joint resolution, relative to the appointment of a secretary to the Senate and clerk to the House of Representatives; which was twice read the rule having been first dispensed with, and ordered to lie on the table.

The House resolved itself into a committee of the whole, on the following bills, to wit:—1st, A bill to amend the act, entitled An act relative to crimes and punishments, approved January 20th 1824—2d, A bill to revive the 50th section of an act to reduce into one act, all acts and parts of acts relative to crimes and punishments, approved January 29th 1818—and 3d, A bill of the same title of the first named bill:

After some time spent therein the Speaker resumed the chair and Mr. Worth reported the first named bill with several amendments, and the two last named bills with one amendment, each by striking them out from their enacting clause; all which amendments were concurred in by the House.

On motion,

The further consideration of the two last named bills were indefinitely postponed.

*Ordered*, That the first named bill be engrossed as amended and read a third time to-morrow.

Whereupon,

The House adjourned to meet at half past six o'clock this evening.

*Half past six o'clock, P. M.*

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole, on the bill to incorporate congressional townships, and providing for public schools therein.

After some time spent therein, the speaker resumed the chair, and Mr. Baird reported the same with several amendments; which were read at the clerk's table, and concurred in by the House.

Mr. Hillis moved to amend the fourth section of said bill, by striking out the words "twelve and one half cents," in the second proviso to said section, and insert "twenty-five cents," which reads as follows, to wit:—  
*"And Provided also: That no lease for ninety nine years shall be given, unless a half quarter section shall average twelve and one half cents interest per year, on each acre;"* which was decided in the negative:

Mr. Palmer voting in the affirmative.

Mr. Palmer moved to postpone the further consideration of said bill indefinitely; which was decided in the negative: and the ayes and noes being required by Messrs. Palmer and Stanford, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Burnett, Hillis, Johnson, Moffatt, Paddacks, Palmer, Posey, Sweetser, Walker and Williams—11.

*And those who voted in the negative are,*

Messrs. Baird, Boon, Child, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gray, Guion, Hannah, Jackson, Keen, Ketcham, Lemon, Lewis of Wayne, Lomax, Marshall, Paxton, Pepper, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Wallace, Worth and Evans, speaker—30.

And so said bill was not indefinitely postponed.

*Ordered,* That the same be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill making general appropriations for the year 1826:

And after some time spent therein the Speaker resumed the chair, and Mr. Beckes reported the same with one amendment thereto; which was read and concurred in by the House.

Said bill was then read a third time and passed.

*Ordered*, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill for the relief of the collector of Jefferson county for the year 1825—and secondly, an engrossed bill for the relief of the collectors of Shelby and Jefferson counties:

And after some time spent therein, the Speaker resumed the chair, and Mr. Boon reported the first named bill without amendment, and the last named bill with one amendment; which was read and concurred in by the House.

On motion,

Said bills were ordered to lie on the table.

On motion of Mr. Williams,

The engrossed bill amendatory of the several acts for assessing and collecting the revenue, was taken up, and read a third time and passed.

*Ordered*, That the same be entitled An act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill incorporating a seminary in the county of Gibson:

And after some time spent therein, the Speaker resumed the chair, and Mr. Burnett reported the same with one amendment; which was read and concurred in.

*Ordered*, That said bill be engrossed for a third reading to morrow.

The House resolved itself into a committee of the whole, on the bill declaring Busseron creek, a public highway:

And after some time spent therein, the Speaker resumed the chair, and Mr. Child reported the same without amendment.

Mr. Craig moved to indefinitely postpone the further consideration of said bill; which was decided in the negative.

*Ordered*, That said bill be engrossed for a third reading to-morrow.

The House resolved itself into a committee of the whole, on the bill in addition to the act, entitled An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening said roads:

After some time spent therein, the Speaker resumed the chair and Mr. Claypool reported said bill with one amendment; which was by striking it out from its enacting clause.

And on the question being put, Will the House concur in said amendment? it was carried in the affirmative; and the ayes and noes being required by Messrs. Riley and Fitzgerald, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Child, Claypool, Clendenin, Craig, Gaion, Hannah, Hawk, Jackson, Johnson, Lemon, Lomax, Moffatt, Palmer, Riley, Robertson, Sims, Wallace, Williams and Worth—24.

*And those who voted in the negative are,*

Messrs. Baird, Burnett, Daniel, Fitzgerald, Gray, Hillis, Keen, Ketcham, Lewis of Wayne, Paddacks, Paxton, Pepper, Posey, Richardson, Rose, Stanford, Stewart, Sweetser, Walker and Evans, speaker—20.

And on motion of Mr. Riley,

The further consideration of said bill, was indefinitely postponed.

On motion,

The committee of the whole, to whom were committed the bill relative to the recorders offices, in the several counties in this state, were discharged from the further consideration thereof. And

On motion of Mr. Pepper,

The further consideration of said bill, was indefinitely postponed.

Mr. Richardson from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled:

An act legalizing the proceedings of Jacob B. Lowe, clerk of Monroe county.

An act establishing a state road from Rockport to Boonville.

A Joint Resolution respecting the agent of the state at Indianapolis; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

On motion of Mr. Howk,

The committee of the whole, to whom were committed the bill to amend the Act regulating enclosures, were discharged from the further consideration thereof.

And on motion of Mr. Hillis,

The further consideration thereof, was indefinitely postponed.

On motion,

The committee of the whole to whom were committed the bill to amend the act, entitled An act regulating divorces, approved January 22d 1824, were discharged therefrom.

Said bill was then read a third time and passed.

*Ordered*, That the same be entitled An act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the memorial and joint resolution, relative to connecting the waters of the Wabash river, and the Miami of the lakes, and extinguishing the Indian title to lands lying between the same:

After some time spent therein, the Speaker resumed the chair, and Mr. Clendenin reported the same without amendment.

Mr. Sweetser moved to amend the memorial, by striking out the words "as an evidence of their liberality to this state;" which was decided in the negative: and the ayes and noes being required by Messrs. Sweetser and Craig, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Burnett, Claypool, Craig, Fitzgerald, Gray, Guion, Jackson, Johnson, Lomax, Moffatt,

Paddacks, Palmer, Richardson, Riley, Sweetser and Williams—17.

*And those who voted in the negative are,*

Messrs. Baird, Boon, Child, Clendenin, Hannah, Hillis, Howk, Keen, Ketcham, Lemon, Lewis of Wayne, Paxton, Posey, Robertson, Rose, Sims, Stanford, Stewart, Walker, Wallace, Worth and Evans, speaker—22.

And so said words were not stricken out.

Said memorial and joint resolution, was then read a third time and passed.

*Ordered,* That the clerk carry the same to the Senate, and ask their concurrence.

Whereupon,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 19, 1826.

House met pursuant to adjournment.

Mr. Palmer submitted the following report, to wit:

*Mr. Speaker,*

The committee who were appointed to examine the bills in the orders of the day, and to select such as would be most expedient to act upon during the present session, have directed me to report that on examination, your committee find that the number of bills in the orders of the day are so inconsiderable, that it is inexpedient to make any such selection; which was read and concurred in by the House.

Mr. Hannah moved to re-consider the vote of yesterday, indefinitely postponing the bill in addition to the act entitled, An act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent fund, for opening said roads, approved, December, — 1821; which was carried in the affirmative. And,



On motion of Mr. Craig,

The House re-considered the vote concurring in the amendment made to said bill in committee of the whole.

And on the question being put, Will the House concur in the said amendment, which was by striking it out from its enacting clause? it was decided in the negative.

On motion,

Said bill was amended by striking out \$2000, and inserting \$1000. And,

On motion of Mr. Fitzgerald,

The bill was further amended by adding the following proviso to the — section, to wit:

*Provided however:* That the money herein appropriated, shall, under the direction of the commissioners, be applied to the construction of bridges across the principal streams that said road crosses, except so much thereof as will lay off and mark the same.

*Ordered,* That the same be engrossed and read a third time to-morrow.

The speaker laid before the House a communication from William Sanders, commissioner on part of the Mauk's ferry road; which was read and referred to a select committee of Messrs. Walker, Riley, Paxton, Marshall and Sweetser.

Mr. Palmer presented to the House a communication from William W. Wick, secretary of state, relative to compensation allowed for making index and marginal notes to the laws of the present General Assembly; which was read and referred to a select committee of Messrs. Palmer, Posey and Worth.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have passed engrossed bills from the House of Representatives, entitled acts, viz: An act reviving and amending the act, entitled "An Act for the incorporation of the town of Lawrenceburg, Dearborn county, Indiana territory, approved, December 26, 1815, and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage and the

powers of the citizens within the same," without amendment—And an act to incorporate the town of Salem, Washington county, with amendments; in which the concurrence of the House is requested—Also a Joint Resolution, disapproving the amendment proposed by the state of Tennessee, to the constitution of the United States.

They insist on their fourth amendment to the engrossed bill from the House of Representatives, entitled An Act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly.

Mr. Sweetser moved that this House adhere to their disagreement to the fourth amendment proposed by the Senate, to the bill from this House, relative to the printing and distributing the acts, joint resolutions and journals of the present General Assembly; which was decided in the negative.

On motion of Mr. Palmer,

The House continue to insist on their disagreement to the amendment proposed by the Senate to said bill.

*Ordered*, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate to the bill incorporating the town of Salem, were read and concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The Senate have passed an engrossed bill of the House of Representatives, entitled An act to authorize the qualified voters of the first school district, in Clark's Grant, to elect a trustee.

They have also passed an original bill, entitled An act for the relief of the collector of Decatur county; in which the concurrence of the House is requested.

They insist upon the amendments proposed by them to the engrossed bill from the House of Representatives entitled. an act to repeal an act, entitled An act for the relief of Claudius G. Brown, approved January 26th 1824; and part of an act entitled an act supplemental to

An act establishing a county seminary in the county of Knox, approved February 12th 1825.

They have received official information that the Governor did on the 7th instant, approve and sign an enrolled bill, entitled:

An act for the benefit of William Reed.

That on the 17th instant, he approved and signed, a memorial of the General Assembly to the Congress of the United States on the extension of the Cumberland road.

The bill for the relief of the collector of Decatur county was twice read, the rule having first been dispensed with; and

On motion,

The rule was further dispensed with, said bill was read a third time:

And on the question being put, Shall said bill pass? it was determined in the negative: and the ayes and noes being demanded by Messrs. Craig and Beckes, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Boon, Clendenin, Daniel, Fitzgerald, Gard, Keen, Lemon, Palmer, Paxton, Posey, Riley, Robertson, Stanford, Stewart, Sweetser, Walker, Wallace, Williams and Evans, speaker—19.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Burnett, Child, Claypool, Craig, Guion, Hannah, Jackson, Johnson, Ketcham, Lewis of Wayne, Lomax, Marshall, Moffatt, Padlocks, Pepper, Richardson, Rose and Worth—21.

And so said bill was rejected.

On motion of Mr. Palmer,

The House took up the bill from the Senate, entitled "An act for the relief of the collectors of the counties of Shelby and Jefferson.

On motion of Mr. Baird,

Said bill was further amended, so as to extend certain relief to Noah Wright, collector of Washington county.

On motion,

The title of said bill was so amended as to read "An act for the relief of the collectors of Shelby, Jefferson, Switzerland and Washington counties.

Said bill was then read as amended, a third time and passed.

*Ordered*, That the clerk carry the same to the Senate, and ask their concurrence in the said amendments.

On motion of Mr. Craig,

*Resolved*, That a committee of free conference be appointed on the part of this House, to act with a similar committee to be appointed on the part of the Senate, relative to the disagreeing votes of the two Houses, on the amendment proposed by the Senate, to the bill from the House, to authorize the printing and distributing the acts and joint resolutions of the present General Assembly.

Whereupon,

Messrs. Craig and Lemon were appointed said committee.

*Ordered*, That the clerk inform the Senate thereof.

The engrossed bill, in addition to the act entitled "An act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent. fund, for opening the same," approved, December 31st 1821; and the engrossed bill to amend the act entitled "An act relative to crimes and punishments," approved, January 20th 1824, were read a third time and passed.

*Ordered*, That the same be entitled "Acts," and that the clerk carry the same to the Senate, and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have appointed a committee of free conference on the subject of the disagreeing votes between the two Houses, relative to the amendments made by the Senate to the engrossed bill from the House of Representatives, entitled an act to repeal an act entitled "An act for the relief of Claudius G. Brown," approv-

ed, January 26, 1824; and part of an act entitled "An act supplemental to an act, establishing a county seminary in the county of Knox," approved, February 12th 1825; and they have on their part appointed Messrs. Graham of Jackson, and Watts, said committee.

They have passed an engrossed bill of the House of Representatives, entitled "An act legalizing the proceedings of the board of justices of Hendricks county," and an original bill, entitled "An act providing the mode of opening and repairing public roads and highways in certain counties therein named," in which the concurrence of the House is requested.

The bill providing the mode of opening and repairing public roads and highways, in certain counties therein named, was twice read, the rule having first been dispensed with, and committed to a committee of the whole House to day. And,

On motion of Mr. Craig,

The House went into committee of the whole upon said bill:

After some time spent therein, the Speaker resumed the chair, and Mr. Craig reported the same with several amendments; which were read and concurred in by the House.

On motion of Mr. Richardson,

The first section of said bill was further amended by striking out the county of Posey.

*Ordered*, That the amendments to said bill be engrossed and read a third time to day.

Mr. Craig moved to re-consider the vote of this morning, rejecting the bill from the Senate, entitled "An act for the relief of the collector of Decatur county;" which was decided in the affirmative.

And on the question being put, Shall said bill pass? it was decided in the affirmative: and the ayes and noes being required by Messrs. Beckes and Richardson, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Blair, Boon, Clendenin, Craig, Daniel, Fitzgerald, Gard, Gray, Keen, Ketcham, Lemon, Lewis

of Franklin, Paddacks, Palmer, Paxton, Posey, Riley, Robertson, Sims, Stanford, Stewart, Sweetser, Walker, Wallace, Williams, Worth and Evans, speaker—27.

*And those who voted in the negative are,*

Messrs. Beckes, Burnett, Child, Claypool, Guion, Hannah, Hawk, Jackson, Johnson, Lewis of Wayne, Lomax, Marshall, Moffatt, Richardson and Rose—15.

And so said bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Burnett, from the joint committee for enrolled bills reported, that they have on this day presented to the Governor, for his approval and signature, the following bills, to wit:

An act concerning prosecuting attorneys.

An act for the relief of the purchasers of lots in the town of Indianapolis.

An act for the apportionment of Senators and Representatives to the General Assembly.

A Joint Resolution for the benefit of the securities of Martin H. Tucker, deceased.

And that they have compared the enrolled with the engrossed bill, entitled:

An act amendatory of the law, and for the better advancement of justice; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate, for the signature of their President.

A message from the Governor by Mr. Wick, Secretary of State:

*Mr. Speaker,*

The Governor has on this day (January 19,) approved and signed the enrolled bill which originated in the House of Representatives, entitled:

An act to authorize the several townships in certain counties herein named, to elect township officers, and for other purposes.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

House met pursuant to adjournment.

Mr. Sweetser presented certain charges and specifications, signed by himself against Eliakaim Hardin, one of the associate judges of Marion county, praying that articles of impeachment may be preferred against him; which being read,

Mr. Paxton moved to lay the same on the table; which was decided in the negative.

On motion of Mr. Gray,

*Resolved*, That said charges and specifications be referred to a select committee, with leave to report thereon.

Whereupon,

Messrs. Gray, Hawk and Craig, were appointed that committee.

Mr. Burnett from the joint committee for enrolled bills reported, that they did on this day present to the Governor for his approval and signature, the following eurolled bills, to wit:

An act establishing a state road from Rockport to Boonville.

An act amendatory of the law and for the better advancement of justice.

An act legalizing the acts of Jacob B. Lowe, clerk of the circuit court of Monroe county.

A Joint Resolution respecting the agent of the state at Indianapolis.

On motion of Mr. Lemon,

The committee of the whole to whom were committed the bill for ascertaining the value of taxable property, were discharged from the further consideration thereof.

Mr. Beckes moved to lay said bill on the table; which was carried in the affirmative: and the ayes and noes being required by Messrs. Craig and Worth, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Baird, Child, Clendenin, Hannah, Hawk, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Po-

sey, Riley, Robertson, Rose, Sims, Stewart, Walker, Wallace, Williams and Evans, speaker—24.

*And those who voted in the negative are,*

Messrs. Blair, Boon, Claypool, Craig, Daniel, Fitzgerald, Gard, Gray, Guion, Jackson, Johnson, Keen, Palmer, Paxton, Pepper, Richardson, Stanford, Sweetser and Worth—19.

And so said bill was ordered to lie on the table.

The engrossed bill incorporating a seminary in the county of Gibson, and for other purposes, was read a third time and passed.

*Ordered,* That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Walker moved to discharge the committee of the whole House to whom were referred the bill to amend the act, entitled An act regulating the militia of the state of Indiana, approved January 20th 1824, from the further consideration thereof; which was decided in the negative. And

On motion,

The House resolved itself into a committee of the whole, on said bill:

And after some time spent therein, the Speaker resumed the chair, and Mr. Daniel reported the same with one amendment; which was by striking it out from its enacting clause; which was concurred in by the House. And

On motion of Mr. Johnson,

The further consideration of said bill was indefinitely postponed.

Mr. Beckes submitted the following report, to wit:

*Mr. Speaker,*

The committee of free conference appointed by both Houses, to take into consideration the matter of difference between the Houses, relative to the amendment made by the Senate to the bill from the House of Representatives, entitled "An act for the relief of Claudius G. Brown;" approved, January 26th 1824; and part



of an act entitled "An act to repeal an act establishing a county seminary in the county of Knox," approved, February 12th 1825, have met, and not being able to come to any conclusion, have agreed to report the same to their respective Houses, and to recommend the discharge of the present committee; and that a second committee of free conference be appointed.

On motion,

Said committee were discharged therefrom.

Whereupon,

Messrs. Moffatt and Blair were appointed a second committee of free conference, to take into consideration the subject matter of the disagreeing votes of the two Houses.

*Ordered*, That the Clerk inform the Senate thereof. The House resolved itself into a committee of the whole, on the bill from the Senate, entitled "An act appointing an Agent of the three per cent. fund."

After some time spent therein, the Speaker resumed the chair, and Mr. Fitzgerald reported said bill without amendment.

Mr. Lemen moved to amend said bill, by striking out the name of Benjamin J. Blythe, wherever it occurs, and insert that of Jonathan Lyon, of Washington county.

A division of the question being called for, the question was taken upon striking out.

And on the question being put, Shall the name of Benjamin J. Blythe be stricken out? it was decided in the negative.

Said bill was then read a third time and passed without amendment.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The Senate have been officially informed that the Governor did, on this day, approve and sign the following enrolled bills, entitled Acts, to wit:

An act amendatory to an act entitled An act to locate and establish a seminary in and for the county of Union, approved, February 7th 1825.

An act for the benefit of the securities of N. W. Marks, late sheriff of Rush county.

An act to provide for the continuation of the survey of the state road from Terre Haute to Fort Wayne.

They have concurred in the amendment proposed by the House of Representatives to the engrossed bill from the Senate, entitled an act to amend an act entitled An act declaring certain streams therein named, public highways; approved, January 26th 1824.

They have passed bills from the House of Representatives, entitled Acts, as follows, to wit:

An act attaching part of the county of Pike to the county of Warrick.

An act authorizing the board of justices of Gibson county, to vacate certain streets and parts of streets in the town of Princeton, and to vacate the town of Highbanks, in Pike county, and Sandersville in Vanderburgh county, without amendment.

They continue to insist on their fourth amendment to the engrossed bill from the House of Representatives, entitled An act to provide for printing and distributing the acts, joint resolutions and journals of the General Assembly.

They have appointed a committee of free conference on the subject of the disagreeing votes of the two Houses, on the last mentioned bill, and Messrs. Pennington and Gregory are that committee.

On motion of Mr. Walker,

The committee of the whole, to whom were referred the bill to vacate certain lots in the town of Indianapolis, and for other purposes, were discharged from the further consideration thereof.

Said bill was then read a third time and passed: and the ayes and noes being demanded by Messrs. Posey and Walker, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Blair, Boon, Child, Claypool, Daniel, Fitzgerald, Gray, Jackson, Ketcham, Marshall, Moffatt, Paddacks, Palmer, Paxton, Pepper, Rob-

ertson, Rose, Sims, Stanford, Stewart, Williams, Worth and Evans, speaker—24.

*And those who voted in the negative are,*

Messrs. Baird, Burnett, Clendenin, Craig, Guion, Hannah, Hawk, Johnson, Lewis of Franklin, Lewis of Wayne, Lomax, Posey, Riley, Sweetser, Walker and Wallace—16.

*Ordered,* That the same be entitled An act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill to provide for the sale of the seminary lands in Gibson and Monroe counties:

And after some time spent therein, the Speaker resumed the chair, and Mr. Gray reported the same with one amendment thereto; which was by striking it out from its enacting clause.

And on the question being put, Will the House concur in said amendment? it was carried in the affirmative: and the ayes and noes being required by Messrs. Child and Sims are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Beckes, Boon, Burnett, Clendenin, Gard, Hannah, Hawk, Jackson, Johnson, Keen, Lewis of Franklin, Lewis of Wayne, Moffatt, Paddacks, Palmer, Pepper, Posey, Riley, Rose, Stanford, Sweetser, Walker and Williams—23.

*And those who voted in the negative are,*

Messrs. Baird, Blair, Child, Claypool, Craig, Daniel, Fitzgerald, Gray, Guion, Ketcham, Lomax, Marshall, Paxton, Richardson, Robertson, Sims, Stewart, Wallace, Worth and Evans, speaker—20.

On motion of Mr. Palmer,

The further consideration of said bill, was indefinitely postponed.

Mr. Gray from the select committee to whom was referred the charges and specifications presented to-day by Mr. Sweetser, against Eliakim Harding, one of the

associate judges of Marion county reported, that said committee had directed him to prepare and submit to the House the following articles of impeachment, to wit:

STATE OF INDIANA, ss.

Articles of impeachment exhibited by the House of Representatives, in the name of themselves and of the people of the state of Indiana, against Eliakim Harding, an Associate Judge of the circuit court of Marion county, and state aforesaid.

ARTICLE 1. That said Eliakim Harding, then and there being such associate judge in and for said county and state aforesaid, being duly elected, commissioned and qualified as such associate judge of the county aforesaid, has been and is guilty of corruption in the administration of his said office as such associate judge, while sitting as a judge of probate.

*Specification 1.* That said Eliakim Harding, on the nineteenth day of January, in the year of our Lord one thousand eight hundred and twenty six, at the county of Marion in the state aforesaid, whilst acting as such associate judge, did, by virtue of and under color of his said office of associate judge, corruptly sit as a judge of probate in and for said county, and hear, determine, and judgment render, in a certain case wherein Robert Harding, (brother of said Eliakim Harding, judge as aforesaid,) and one Henry Bradley were plaintiffs, and Benjamin Mills and Sarah his wife, executrix of the last will and testament of Isaac Wilson, deceased, (late Sarah Wilson,) were defendants; the said defendant, Benjamin Mills, then and there by his attorney, objecting and protesting against said Eliakim Harding, sitting as such associate judge, to hear and determine the matters in controversy in said cause, on account of his being a brother to the said Robert Harding, one of the plaintiffs in said cause, contrary to law, and against the peace and dignity of the state of Indiana.

*Specification 2.* That the said Eliakim Harding, on the nineteenth day of January, in the year of our Lord one thousand eight hundred and twenty six, at the county of Marion, in the state aforesaid, whilst acting as such associate judge, did, by virtue of and under color of his said office, corruptly, and in violation of his duty, sit as a judge of probate in and for said county, and hear and determine, and judgment render in favour of Robert Harding, (brother of said Eliakim Harding) and one Henry Bradley, in a certain other cause then and there pending before the judges of the probate court of said county, wherein Henry Bradley and Robert Harding, (brother of said Eliakim) were plaintiffs, and Benjamin Mills and Sarah his wife, late Sarah Wilson, executrix of the last will and testament of

Isaac Wilson, dec'd, were defendants; the said Benjamin Mills, then and there by his attorney, protesting against said Eliakim Harding, sitting as such probate judge to hear and determine said cause, on account of him, the said Eliakim Harding being brother to said Robert Harding, one of the plaintiffs in said cause, contrary to law, and against the peace and dignity of the state of Indiana.

Which being read,

Mr. Pepper moved that the same lie on the table; which was carried in the affirmative.

Mr. Burnett, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bill, entitled:

An act concerning salt springs in Orange county; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Whereupon,

The House adjourned to meet at half past six o'clock this evening.

*Half past six o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Sweetser,

The House took up the charges and specifications against Eliakim Harding, associate judge of Marion county,

And on the question being put, Will the House concur in the report of the committee on the above subject? it was carried in the affirmative.

Mr. Sweetser presented the following resolution for the consideration of the House, to wit:

*Resolved*, That the Senate be informed that this House have preferred articles of impeachment, against Eliakim Harding, an associate judge of the circuit court of Marion county, and that they have appointed Messrs. Gray, Hawk and Craig, managers on the part of this House, and demand justice; that a day be set in the next session of the Legislature, for hearing said case,

and process issue to compel the attendance of said Eliakim Harding, to answer said articles of impeachment; and as witnesses on the part of the House, Philip Sweetser of Bartholomew county, Hiram Brown and James M. Ray, of Marion county, the latter to produce the records of the probate court of said county, relative to the suits tried by said court on the 19th day of January, 1826, wherein Robert Harding and Henry Bradley, are plaintiffs, and Benjamin Mills and Sarah Mills his wife, late Sarah Wilson, executrix of the last will and testament of Isaac Wilson deceased, were defendants in said trial.

And on the question being put, Shall said resolution be adopted? it was determined in the affirmative: and the ayes and noes being required by Messrs. Sweetser and Pepper are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Child, Craig, Gray, Guion, Hawk, Johnson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Posey, Richardson, Robertson, Rose, Sims, Stewart, Sweetser, Worth and Evans, speaker—26.

*And those who voted in the negative are,*

Messrs. Boon, Claypool, Clendenin, Daniel, Hannah, Jackson, Pepper, Paxton, Riley, Stanford, Walker, Wallace and Williams—13.

The House resolved itself into a committee of the whole, on the engrossed bill from the Senate, to amend the act entitled, An act to authorize the location of certain state roads, approved, January 31st 1824:

And after some time spent therein, the speaker resumed the chair, and Mr. Guion reported the same with amendment.

Said bill was then read a third time and passed.

The House resolved itself into a committee of the whole, on the bill for the relief of sundry persons therein named:

And after some time spent therein, the Speaker resumed the chair, and Mr. Hannah reported the same

with one amendment; which was by striking it out from its enacting clause.

And on the question being put, Will the House concur in said amendment? it passed in the affirmative: and the ayes and noes being required thereon, by Messrs. Robertson and Moffatt, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Guion, Hannah, Johnson, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Palmer, Richardson, Robertson, Rose, Stanford, Walker, Wallace and Worth—20.

*And those who voted in the negative are,*

Messrs Child, Claypool, Clendenin, Daniel, Gray, Hawk, Ketcham, Lemon, Marshall, Paxton, Pepper, Posey, Riley, Sims, Stewart, Sweetser, Williams and Evans, speaker—18.

And so said amendment was concurred in.

Mr. Robertson moved to indefinitely postpone the further consideration of said bill; which was determined in the negative.

Mr. Hawk moved to re-commit said bill to a select committee; which was carried in the affirmative: and the ayes and noes being demanded by two members, are as follows to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Blair, Child, Claypool, Clendenin, Daniel, Gray, Hawk, Ketcham, Lemon, Marshall, Paxton, Pepper, Posey, Riley, Rose, Sims, Stewart, Sweetser, Williams and Evans, speaker—21.

*And those who voted in the negative are,*

Messrs. Beckes, Boon, Burnett, Guion, Hannah, Johnson, Lewis of Franklin, Lewis of Wayne, Lomax, Moffatt, Palmer, Richardson, Robertson, Stanford, Walker, Wallace and Worth—17.

Whereupon,

Messrs. Hawk, Paxton and Ketcham, were appointed said committee.

The House resolved itself into a committee of the

whole, on the bill in addition to An act to establish a state library:

And after some time spent therein, the Speaker resumed the chair, and Mr. Howk reported the same with one amendment; which was by striking it out from its enacting clause.

And on the question being put, Will the House concur in said amendment? it passed in the affirmative: and the ayes and noes being required thereon by two members, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Beckes, Boon, Burnett, Claypool, Clendenin, Daniel, Gray, Guion, Hannah, Johnson, Ketcham, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Palmer, Pepper, Riley, Robertson, Rose, Stanford, Stewart, Walker and Williams—26.

*And those who voted in the negative are,*

Messrs. Blair, Child, Howk, Lemon, Paxton, Posey, Richardson, Sims, Wallace, Worth and Evans, speaker—11.

And so said amendment was concurred in. And

On motion,

The further consideration of said bill was indefinitely postponed.

Whereupon,

The House adjourned until to-morrow morning half past 8 o'clock.

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FRIDAY MORNING, JANUARY 20th, 1826.

The House met pursuant to adjournment.

Mr. Howk, from the select committee to whom was re-committed the bill for the relief of sundry persons therein named, reported the same with an amendment; which was read; when,



On motion of Mr. Child,

The further consideration of said bill and amendment were indefinitely postponed.

Mr. Palmer, from the select committee to whom was committed the communication of William W. Wick, Esq. Secretary of State, addressed to Benjamin V. Beckes Esq., a member of this House, submitted the following report, to wit:

*Mr. Speaker,*

The select committee to whom was referred the communication of William W. Wick, Secretary of State, to Benjamin V. Beckes, a member of this House, have had the same under their consideration, and have directed me to report, that amongst the several items which Mr. Wick classes in his list of extra services, your committee is of opinion that that of copying and forwarding to members of Congress, &c. and forwarding circuit court and road acts, are duties which properly belong to the office of secretary of state. That the making of the index and marginal notes, copying and superintending the printing, are extra services for which a reasonable compensation should be paid; but your committee are of opinion that the amount received by the secretary of state last year for that service, to wit: \$140 was extravagant; your committee are further of opinion that although the spirit and language of Mr. Wick's communication, are somewhat exceptionable, yet, being satisfied that no impropriety was intended, but that the communication was originally designed as a familiar and common place address to a friend, your committee cannot attach to Mr. Wick more than a little imprudence with regard to said communication.

On motion,

The House concurred in said report.

Mr. Walker, from the select committee to whom was referred the communication of William Sanders, addressed to the Speaker of this House, relative to that part of the three per cent. fund appropriated to that part of Mank's ferry state road lying between Franklin and Indianapolis, reported a joint resolution on that

subject; which was read a first time, rule dispensed with, and read a second time; when,

On motion of Mr. Palmer,

It was ordered to lie on the table.

Mr. Worth moved to re-consider the vote of this House, rejecting the bill from the Senate, entitled An act for the better improvement of the state road from Indianapolis to Rushville; which was carried in the affirmative.

The question was then put, Shall said bill be rejected? and it was decided in the negative: and the ayes and noes being demanded by Messrs. Claypool and Lewis of Franklin, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Claypool, Hannah, Johnson, Lewis of Wayne and Evans, speaker—5.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Child, Clendenin, Daniel, Fitzgerald, Gard, Gray, Guion, Jackson, Keen, Lewis of Franklin, Lomax, Marshall, Moffatt, Paddacks, Palmer, Paxton, Posey, Reed, Richardson, Robertson, Rose, Sims, Stanford, Stewart, Williams and Worth—31.

Said bill was read a second time, and committed to a committee of the whole House to day.

The House resolved itself into a committee of the whole on said bill:

And after some time spent therein, the Speaker resumed the chair, and Mr. Jackson reported the same without amendment.

Mr. Claypool moved to lay said bill on the table; which was decided in the negative.

The rule was further dispensed with, and said bill was read a third time and passed.

*Ordered,* That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Oliver, a member:

*Mr. Speaker,*

The Senate have passed a bill supplemental to an act

passed at the present session, entitled An act to amend an act entitled An act relative to county boundaries—approved, January 31, 1824; in which they ask the concurrence of this House.

Said bill was read the first time; and

On motion of Mr. Claypool, was rejected.

Mr. Craig submitted the following report:

*Mr. Speaker,*

The joint committee of free conference appointed to confer on the subject of the disagreeing votes of the two Houses, relative to the fourth amendment proposed by the Senate, to the bill from the House of Representatives, entitled An act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly, have according to order, had the same under consideration, and have agreed that the House of Representatives shall recede from their disagreement to said amendment, and that the same shall become a part of the bill.

On the question being put, Will the House concur in said report? it was determined in the negative. And

On motion of Mr. Palmer,

*Resolved*, That this House adhere to their disagreement to the amendment proposed by the Senate, to the bill for printing and distributing the acts, joint resolutions and journals of the present General Assembly.

*Ordered*. That the Clerk inform the Senate thereof.

On motion of Mr. Lewis of Wayne,

*Resolved*, That the Door keeper of this House be directed to procure a box or boxes, in which he shall deposit and carefully nail up, the candlesticks, snuffers, inkstands, sand-boxes, shovels and tongs, and all such articles belonging to the state; and that the members of this House who are in possession of any of the above articles, shall deliver the same to the Door-keeper on the last day of this session.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate have in pursuance of a request of the House of Representatives, appointed Messrs. Penning-

ton and Stapp a second committee of free conference on the disagreeing votes of the two Houses, relative to the amendment made by the Senate, to the engrossed bill from the House of Representatives, entitled An act to repeal an act entitled An act for the relief of Claudius G. Brown—approved, January 26, 1824; and part of an act entitled An act supplemental to an act entitled An act establishing a county seminary in the county of Knox—approved, February 12th 1825.”

They concur in the report of the committee of free conference on the subject of the disagreeing votes of the two Houses, relative to an amendment made by the Senate, to the engrossed bill from the House of Representatives, entitled An act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly.

They have passed an engrossed bill of this House entitled an act to amend An act regulating divorces—approved, January 22d 1824; without amendment.

Mr. Burnett, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills of the following titles, to wit:

An act to amend an act entitled An act declaring certain streams therein named public highways—approved, January 26th 1824.

An act authorizing the leasing of Royce's Lick reserve.

An act authorizing the board of justices of Gibson county, to vacate certain streets and parts of streets in the town of Princeton, and to vacate the town of Highbanks in Pike county. and Saundersville in Vanderburg county.

An act appointing an agent of the three per cent. fund.

An act to authorize the qualified voters of the first school district in Clark's Grant, to elect a trustee.

An act attaching part of Pike county to the county of Warrick.

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate, for the signature of their President.

Whereupon,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

House met pursuant to adjournment.

Mr. Lemon, after having obtained leave, presented a joint resolution of the General Assembly; which was read three times and passed, the rule having first been dispensed with.

*Ordered*, That the clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill to incorporate congressional townships, and to provide for public schools, was read a third time and passed and the ayes and noes being demanded by Messrs. Palmer and Sweetser, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Blair, Child, Claypool, Clendenin, Daniel, Fitzgerald, Gray, Guion, Jackson, Keen, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Paxton, Pepper, Richardson, Riley, Robertson, Rose, Sims, Stanford, Stewart, Worth and Evans, speaker—28.

*And those who voted in the negative are,*

Messrs. Beckes, Boon, Burnett, Hannah, Hillis, Johnson, Paddacks, Palmer, Posey, Sweetser, Walker, Wallace and Worth—13.

*Ordered*, That the same be entitled An act, and that the clerk carry the same to the Senate, and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker,*

The Senate concur in the amendments proposed by the House of Representatives, to the engrossed bill from the Senate, entitled An act for the relief of the collectors of the counties of Shelby and Jefferson.

They have passed a joint resolution from this House,

providing for publishing with the acts of the General Assembly of the present session, the laws of the United States, relative to the naturalization of Aliens—Also, the engrossed bill entitled, An act incorporating a seminary in the county of Gibson, and for other purposes—Also, an engrossed bill entitled, An act making specific appropriations for the year 1826, with amendments; in which the concurrence of this House is requested.

They have passed a joint resolution of the General Assembly, from the House of Representatives, and An act to incorporate the Whitewater canal company, with amendments; in which amendments and resolution concurrence is also requested.

They have passed an engrossed bill entitled, an act supplemental to An act regulating general elections; an act supplemental to an act passed at the present session, entitled An act authorizing the leasing of Royce's Lick reserve; and a joint resolution of the General Assembly, relative to a room in the court-house, for the use of the clerk of the supreme court; in which concurrence is requested.

The House proceeded to consider the amendments proposed by the Senate, to the engrossed bill from this House, entitled An act making specific appropriations for the year 1826; the 17th, 18th, 23d and 24th amendments proposed by the Senate, were rejected and disagreed to, and they concur in the 4th, 5th, 8th, 10th, 13th, 16th and 20th amendments, with amendments.

The 23d amendment proposed by the Senate, was to allow Isaac Shelby, the sum of \$25, for his services as brigade inspector, of the eighth brigade, of Indiana Militia, from the first of June 1819, until the first of September 1820.

And on the question being put, Will the House concur in said amendment? it was decided in the negative: and the ayes and noes being required by Messrs. Lemon and Lewis of Franklin, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Burnett, Claypool, Craig, Daniel, Gray,

Howk, Hillis, Keen, Lomax, Paddacks, Posey and Evans, speaker—12.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Child, Clendenin, Fitzgerald, Guion, Hannah, Jackson, Johnson, Ketcham, Lewis of Franklin, Lewis of Wayne, Marshall, Moffatt, Palmer, Paxton, Pepper, Riley, Robertson, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Williams and Worth—29.

And so the House disagreed to said amendment.

And on the question being put, Will the House concur in the 20th amendment proposed by the Senate, to said bill, which reads as follows, to wit:—"That the Auditor be instructed to audit, and the treasurer to pay James B. Ray, for his services from the first Monday in August last, to the third day of the present session of the General Assembly, the sum of \$352 80, to be paid out of any money appropriated to defray the expenses of the Executive department, for the year 1825?" it was determined in the negative: and the ayes and noes being required thereon, by Messrs. Beckes and Marshall, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Boon, Burnett, Claypool, Fitzgerald, Guion, Hannah, Hillis, Jackson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Marshall, Paxton, Stanford, Walker and Evans, speaker—18.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Child, Clendenin, Craig, Daniel, Gray, Johnson, Keen, Lomax, Moffatt, Palmer, Pepper, Posey, Riley, Robertson, Rose, Stewart, Sweetser, Williams and Worth—21.

And so the House refused to concur in said amendment.

Mr. Sweetser moved to amend the amendment of the Senate, as follows, to wit:—"That James B. Ray be allowed the sum of \$352 80, for services rendered the state, prior to the first Monday of December 1825;"

which was carried in the affirmative: and the ayes and noes being required by Messrs. Beckes and Moffatt, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Child, Claypool, Clendenin, Craig, Fitzgerald, Hannah, Hillis, Jackson, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Paxton, Rose, Sims, Stanford, Stewart, Sweetser, Walker, Williams and Evans, speaker—21.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Burnett, Daniel, Gray, Guion, Johnson, Keen, Ketcham, Marshall, Moffatt, Palmer, Pepper, Posey, Riley, Robertson and Worth—19.

*Ordered,* That the Clerk inform the Senate thereof, and ask their concurrence.

The House disagree to the first proviso of the second amendment, and concur in the first amendment and the second proviso to the second amendment proposed by the Senate, to the bill from this House, incorporating the Whitewater canal company.

*Ordered,* That the Clerk inform the Senate thereof.

The bill supplemental to An act regulating general elections, was read the first and second time, the rule having first been dispensed with.

On motion of Mr. Beckes,

The further consideration of said bill was indefinitely postponed.

The joint resolution of the General Assembly, was read the first time;

Whereupon,

Mr. Paxton moved to reject said resolution; which was decided in the negative.

Said joint resolution was then read a second and third time, the rule having first been dispensed with, and passed.

Mr. Claypool voting in the negative.

*Ordered,* That the clerk inform the Senate thereof.

The bill supplemental to an act passed at the pres-



ent session, entitled An act authorizing the leasing of Royce's lick reserve, was read a first, second and third time and passed, the rule having first been dispensed with.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham, their assistant secretary.

*Mr. Speaker*,

The Senate have been officially informed, that the Governor did on this day, approve and sign the following enrolled bills entitled Acts, to wit.

An act amendatory of the law, and for the better advancement of justice.

An act concerning prosecuting attorneys.

An act for the formation of the county of Tippecanoe.

And a joint resolution for the benefit of the securities of Martin H. Tucker, deceased; all of which originated in the Senate.

They have passed engrossed bills of this House, entitled Acts, as follows:—An act to improve the navigation of the east and west forks of White river; and An act amendatory of the several acts for assessing and collecting the revenue, with sundry amendments to the last named Act.

They have adopted the following resolutions from this House, viz:—an engrossed joint resolution of the General Assembly, without amendment; and a joint resolution respecting the court house in Marion county, with an amendment—Also, the following original bills, entitled Acts, viz:—An act for the relief of Samuel M'George, and An act providing for the erection of a building, for the temporary residence of the Governor of this state; in which, together with the amendments to the first named, the concurrence of the House of Representatives is requested.

The House proceeded to consider the amendments proposed by the Senate, to the engrossed bill from this House, amendatory of the several acts for assessing and collecting the revenue: The House concur in the 2d amendment, and disagree to the 1st, 4th and 5th amendments.

And on the question being put, Will the House concur in the 3d amendment proposed to said bill? which was to reduce the poll tax for state purposes, from 50 to 25 cents, it was decided in the negative; the ayes and noes being required thereon by Messrs. Hillis and Sweetser, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Burnett, Gray, Guion, Hillis, Keen, Palmer, Paxton, Robertson, Stanford, Stewart & Walker—11.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Boon, Child, Claypool, Clendenin, Craig, Fitzgerald, Hannah, Hawk, Jackson, Johnson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Lomax, Marshall, Moffatt, Paddacks, Pepper, Posey, Riley, Rose, Sims, Sweetser, Williams, Worth and Evans, speaker—30.

So the House refused to concur in said amendment.

*Ordered,* That the Clerk inform the Senate thereof.

The House concur in the amendment proposed by the Senate, to the Joint Resolution of this House, respecting the court-house in Marion county.

*Ordered,* That the Clerk inform the Senate thereof.

The House concur in the amendments proposed by the Senate, to the bill from this House to improve the navigation of the East and West Forks of White river.

*Ordered,* That the Senate be informed thereof.

The bill from the Senate, entitled An act providing for the erection of a building for the temporary residence of the Governor of this state, was read the first time; and

On motion of Mr. Craig, was rejected.

The bill from the Senate for the relief of Samuel M'George, was read the first, second and third times, the rule having first been dispensed with, and passed.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

*Mr. Speaker,*

The Senate have passed engrossed bills from this House entitled as follows, to wit:

An act supplementary to the act regulating the judicial circuits, and fixing the times of holding courts, and the act to amend the same, with sundry amendments. Also,

An act in addition to the act entitled An act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent. fund, for opening said roads—approved, Dec. 31, 1821. And

A Joint Resolution and accompanying memorial to the congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state.

The Senate recede from their fourth amendment to the engrossed bill from this House entitled, an act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly.

The amendments proposed by the Senate, to the bill from this House, supplementary to the act regulating the judicial circuits, and fixing the times of holding courts, were read, the first concurred in, and the second disagreed to by the House.

*Ordered,* That the Senate be informed thereof.

The engrossed bill from the Senate, providing the mode of opening and repairing public roads and highways, in certain counties therein named, was read a third time and passed.

*Ordered,* That the Senate be informed thereof.

The engrossed bill declaring Busseron creek a public highway, was read a third time and passed.

*Ordered,* That the same be entitled An act, and that the clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Beckes asked leave to change his vote from the negative, to the affirmative, on the vote to concur in the third amendment proposed by the Senate, to the bill to amend the several acts for assessing and collecting the revenue; which was refused by the House.

The engrossed bill legalizing the proceedings of the

school trustees of congressional township No. 2, in range 4 east, in Washington county, was read a third time and passed.

*Ordered*, That the same be entitled An act, and that the clerk carry the same to the Senate, and ask their concurrence.

On motion,

The committee of the whole, to whom were committed the bill from the Senate, to provide for the payment of the balance due the contractors for building the court-house in Indianapolis, and the bill to legalize the proceedings of the commissioners of Clay county, and for other purposes, were discharged from the further consideration thereof.

Said bills were then read a third time and passed.

*Ordered*, That the Senate be informed thereof.

On motion,

The committee of the whole, to whom were committed the bill to amend the act, entitled An act regulating the fees of certain officers therein named; and

On motion of Mr. Posey,

The further consideration of said bill was indefinitely postponed.

The engrossed bill supplemental to the act, entitled An act declaring certain streams therein named, public highways, was read a third time and passed.

*Ordered*, That the same be entitled An act, and that the clerk carry the same to the Senate, and ask their concurrence therein.

Whereupon,

The House adjourned to meet at half past six o'clock this evening.

*Half past six o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Ketcham, after having obtained leave, presented a bill appointing additional trustees for the state seminary in Monroe county, and for other purposes; which was read a first, second and third time, and passed, the rule having first been dispensed with.

*Ordered*, That the same be entitled An act, and that

the clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Burnett, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, of the following titles, to wit:

An act making general appropriations for the year 1826.

An act legalizing the proceedings of the board of justices of Hendricks county.

A joint resolution explanatory of an act requiring the secretary of state to procure a letter book for the use of the state.

A joint resolution disapproving the amendment proposed by the state of Tennessee, to the constitution of the United States.

An act to incorporate the town of Salem in Washington county.

A joint resolution providing for publishing with the acts of the General Assembly of the present session, the laws of the United States, relative to the naturalization of aliens.

An act for the relief of the collectors of the counties of Shelby, Switzerland, Washington and Jefferson; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Boon moved to take up the bill to provide for the location and survey of a canal route, to connect the navigation of the Wabash, with the Miami of the Lakes; which was decided in the negative.

On motion,

Leave is given to withdraw the petition of David Welton.

On motion,

Leave is given to withdraw the papers and documents accompanying the petition of Claudius G. Brown.

On motion,

Leave is given to withdraw the communication from David Kellough, a justice of the peace of Monroe county.

A message from the Senate by Mr. Gregory, a member:

*Mr. Speaker,*

The Senate recede from the third, fourth and fifth amendments made by them, to the revenue bill, but insist on their first amendment to said bill. They have appointed Messrs. Gregory and Oliver a committee of free conference, to take into consideration the disagreeing votes of the two Houses, in the first amendment to said bill.

On motion,

The House receded from their disagreement to said amendment.

*Ordered,* That the Senate be informed thereof.

On motion of Mr. Keen,

*Resolved,* That the public printer be directed to print, in pamphlet form, two hundred and fifty copies of the act entitled An act amendatory of the several acts for assessing and collecting the revenue; and that the secretary of state be directed to forward five copies thereof, to the clerks of the several circuit courts within this state.

On motion,

Leave is given to Mr. Beckes to withdraw certain documents, accompanying a petition of sundry citizens of Knox county, relative to a claim of Claudius G. Brown.

Mr. Worth presented a joint resolution relative to certain items of expenditure of the contingent fund; which was read the first time; and

On motion of Mr. Hillis, rejected.

A message from the Senate, by Mr. Farnham, their Assistant Secretary:

*Mr. Speaker,*

The Senate insist on the first proviso added by them to the engrossed bill from the House of Representatives, entitled An act to incorporate the Whitewater Canal Company, and to which the House of Representatives have disagreed. They have passed bills from the House of Representatives entitled acts as follows, to wit:

An act legalizing the proceedings of the trustees of congressional township No. 2, of range No. 4 east, in Washington county.

An act declaring Busseron creek a public highway.

An act appointing additional trustees for the state seminary in Monroe county, and for other purposes.

In which amendment the concurrence of the House of Representatives is requested.

On motion,

The House insist on their disagreement to the first proviso proposed by the Senate, to a second amendment to the engros-

sed bill from this House, entitled An act incorporating the Whitewater Canal company. And,

On motion of Mr. Pepper,

*Resolved*, That a committee of free conference be appointed on the part of this House, to act with a similar committee to be appointed by the Senate, to take into consideration, the subject matter of difference between the two Houses, on the amendment proposed by the Senate to said bill.

Whereupon,

Messrs. Craig and Pepper were appointed that committee.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Barnett, from the joint committee for enrolled bills reported, that they did on this day, present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act authorizing the qualified voters of the first school district in Clark's Grant, to elect a trustee.

An act authorizing the leasing of Royce's Lick reserve.

An act to amend an act entitled, An act declaring certain streams therein named, public highways—approved, January 26, 1824.

An act making general appropriations for the year 1826.

An act legalizing the proceedings of the board of justices of Hendricks county.

An act to incorporate the town of Salem, in Washington county.

An act for the relief of the collectors of the counties of Shelby, Switzerland, Washington and Jefferson.

A joint resolution providing for publishing with the acts of the General Assembly of the present session, the laws of the United States relative to the naturalization of aliens.

An act authorizing the board of justices of Gibson county to vacate certain streets and parts of streets in the town of Princeton, and to vacate the town of Highbanks in Pike county, and Sandersville in Vanderburgh county.

An act appointing an agent of the three per cent. fund.

An act concerning salt springs in Orange county.

An act attaching a part of Pike county to the county of War-rick.

A joint resolution disapproving the amendment proposed by the state of Tennessee to the constitution of the United States.

A joint resolution explanatory of an act requiring the secretary of state to procure a letter book for the use of the state.

Mr. Moffatt submitted the following report, to wit:

*Mr. Speaker*,

The committee of free conference who were appointed by

this House, to meet a similar committee from the Senate, upon the subject of difference between the two Houses, upon the bill relative to Claudius G. Brown, and Knox county seminary, beg leave to report—that they are unable to agree upon the subject of difference, and beg to be discharged.

Whereupon,

Said committee were discharged.

A message from the Senate, by Mr. Farnham, their Assistant Secretary:

*Mr. Speaker,*

The Senate insist on the 4th, 8th, 10th, 16th, 17th, 20th and 23d items, in their amendments to the engrossed bill from the House of Representatives making specific appropriations for the year 1826. They concur in the amendment made by the House of Representatives, to the fifth item in their amendments, with an amendment; they concur in the amendment of the House of Representatives, to the thirteenth item in their amendments; they recede from the eighteenth item in their amendments. They insist on the second amendment made by them to the engrossed bill from the House of Representatives, entitled An act supplemental to the act regulating the judicial circuits, and fixing the times of holding courts, and the act to amend the same.

On motion of Mr. Beckes,

The House insist on their amendment to the fourth amendment of the Senate.

On motion,

The House insist on their disagreement to the eighth amendment.

On motion,

The House recede from their amendment to the tenth amendment of the Senate; and the House insist on their amendment to the sixteenth amendment; and they recede from their amendment to the twentieth amendment: Which was by substituting the words, "That James B. Ray be allowed the sum of \$352 80, for services rendered the state, prior to the first Monday in December 1825," for the words following, to wit: "That the auditor be instructed to audit, and the treasurer to pay James B. Ray, for his services from the first Monday in August last, to the third day of the present session of the General Assembly, the sum of \$352 80, to be paid out of any money appropriated to defray the expenses of the executive department for the year 1825."

Messrs. Sweetser, Posey, Robertson, Palmer, Blair, Moffatt, Beckes, Keen, Gray and Worth, voted against receding.



And the House insist on their disagreement to the 23d and 24th amendments; and the House concur in the amendment of the Senate, to the fifth item of amendment by this House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Gregory, a member:

*Mr. Speaker*,

The Senate have appointed Messrs. Ewing and Gregory a committee of free conference, on the subject matter of difference between the two Houses, relative to the Whitewater Canal Company.

A message from the Senate, by Mr. Farnham, their Assistant Secretary:

*Mr. Speaker*,

The Senate concur in all the amendments made by the House of Representatives, to the engrossed bill from the Senate, entitled An act providing the mode of opening and repairing public roads and highways, in certain counties therein named. They have received official information, that the Governor did on this day approve and sign, the following enrolled bills, to wit:

An act for the relief of the collectors of the counties of Shelby, Switzerland, Washington and Jefferson.

A joint resolution explanatory of an act requiring the secretary of state to procure a letter book for the use of the state; both of which originated in the Senate.

On motion,

The House insist on their disagreement to the second item of amendment proposed by the Senate, to the bill from this House relative to judicial circuits.

*Ordered*, That the Clerk inform the Senate.

On motion of Mr. Posey,

*Resolved*, That a committee of free conference be appointed on the part of this House, to take into consideration the disagreeing votes of the two Houses, relative to the amendments proposed by the Senate to the specific appropriation bill.

Whereupon,

Messrs. Sweetser and Beckes were appointed that committee.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Howk,

*Resolved*, That a committee of free conference be appointed on the part of this House, on the disagreeing vote of the two Houses relative to the circuit court bill.

Whereupon,

Messrs. Howk and Marshall were appointed that committee.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Governor, by Mr. Wick, Sec'y of State:

*Mr. Speaker,*

His Excellency, the Governor, has instructed me to announce to the House of Representatives, that the enrolled bills which originated in the House of Representatives entitled,

An act to incorporate the town of Salem, Washington county. Also,

A joint resolution disapproving the amendment proposed by the state of Tennessee, to the constitution of the United States. And

A joint resolution providing for publishing with the acts of the General Assembly of the present session, the laws of the United States relative to the naturalization of aliens.

An act for the apportionment of Senators and Representatives to the General Assembly.

And on this day, (January 20) he has approved and signed the enrolled bills, which also originated in the House of Representatives entitled,

An act legalizing the acts of Jacob B. Lowe, clerk of the circuit court of Monroe county.

An act establishing a state road from Rockport to Boonville.

An act for the relief of purchasers of lots in the town of Indianapolis. Also,

A joint resolution respecting the agent of the state at Indianapolis.

The said bills and joint resolutions have been filed in the office of the secretary of state.

Whereupon,

The House adjourned until to-morrow morning 8 o'clock.

SATURDAY MORNING, JANUARY 21, 1826.

The House met pursuant to adjournment.

The House resumed the consideration of the amendments proposed by the Senate, to the bill from this House, making specific appropriations for the year 1826.

Mr. Hillis moved that this House recede from their objections to the seventeenth item proposed by the Senate, to said bill.

And on the question being put, it was determined in the affirmative, and the ayes and noes being demanded by Messrs. Hillis and Moffatt, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Boon, Burnett, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Guion, Hannah, Hillis, Hawk, Lemon, Lewis of Franklin, Lewis of Wayne, Paxton, Pepper, Stanford, Stewart, Walker and Williams—20.

*And those who voted in the negative are,*

Messrs. Baird, Beckes, Blair, Gray, Keen, Lomax, Moffatt, Posey, Riley, Robertson, Sims, Sweetser, Wallace, Worth and Evans, speaker—15.

Whereupon,

The House concur in said item, which was allowing to the Governor \$200, for house rent for the year 1826.

Mr. Hillis moved that this House concur in the item made by the Senate, to said bill, which was allowing to J. B. Ray the sum of \$352 80, for his services from the first Monday in August last, until the third day of the present session of this General Assembly, and directing the Auditor to audit, and Treasurer to pay the sum out of the monies appropriated to defray the expenses of the Executive department, for the year 1825.

And on the question being put; it passed in the affirmative: and the ayes and noes being demanded by Messrs. Hillis and Palmer, are as follows, to wit:

*Those who voted in the affirmative are,*

Messrs. Baird, Boon, Burnett, Claypool, Clendenin, Craig, Fitzgerald, Guion, Hillis, Hawk, Jackson, Ketcham, Lemon, Lewis of Franklin, Lewis of Wayne, Marshall, Paxton, Stanford, Walker, Wallace, Williams and Evans. speaker—22.

*And those who voted in the negative are,*

Messrs. Beckes, Blair, Daniel, Keen, Lomax, Moffatt, Palmer, Pepper, Posey, Richardson, Riley, Robertson, Sims, Stewart, Sweetser and Worth—16.

And so the House concurred in the same.

Mr. Richardson, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled:

An act declaring Busserson creek a public highway.

An act to improve the navigation of the east and west forks of White river.

An act to amend the act, entitled An act regulating divorces, approved January 22d 1824.

A joint resolution of the General Assembly.

An act reviving and amending the act entitled, An act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory, approved December 26th 1815, and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage, and the power of the citizens within the same.

A joint resolution of the General Assembly respecting the court-house of Marion county.

An act appointing additional trustees for the state seminary in Monroe county, and for other purposes.

An act legalizing the proceedings of the school trustees of congressional township No. 2, in range 4 east, in Washington county.

An act in addition to the act entitled, An act authorizing the laying off certain state roads in this state, and appropriating \$400,000 of the fund commonly called the three per cent. fund, for opening the said roads, approved December 31st 1821; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate, for the signature of their President.

Mr. Burnett from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled:

An act legalizing the proceedings of the commissioners of the county of Clay, and for other purposes.

An act providing the mode of opening public roads and highways, in certain counties therein named.

An act for the better improvement of the state road from Indianapolis to Rushville.

An act providing for the payment of the balance due to the contractors for building the court-house at Indianapolis.

An act to amend the act entitled, An act to authorize

the location of certain state roads, approved, January 31st 1824.

An act for the relief of Samuel M'George.

An act supplemental to an act, passed at the present session, entitled An act authorizing the leasing of Royce's lick reserve.

A joint resolution of the General Assembly; and find the same truly enrolled,

Whereupon,

The Speaker signed the same.

*Ordered*, That the clerk carry the same to the Senate, for the signature of their President.

A message from the Senate by Mr. Farnham, their assistant secretary:

*Mr. Speaker*,

The Senate recede from the amendment made by them to the engrossed bill from the House of Representatives, entitled An act to incorporate the Whitewater canal company, to which the House of Representatives disagree.

On motion of Mr. Child,

*Resolved*, That the Reverend George Bush, be requested to meet the two Houses this day, at 12 o'clock, in the Representative Hall, to close the present session of the General Assembly by prayer, that the Senate be informed thereof, and a similar resolution on their part requested.

Whereupon,

Messrs. Child and Stanford, are appointed that committee on the part of this House.

Mr. Beckes presented a report of John Law, prosecuting attorney in the first judicial circuit, relative to the seminary fund in Knox county; which was read and ordered to lie on the table.

A message from the Senate by Mr. Graham, a member:

*Mr. Speaker*,

The Senate insist on their second amendment proposed to the bill supplementary to An act regulating the judicial circuits and fixing the times of holding courts, and have appointed Messrs. Graham and Pennington, a

committee of free conference, on the disagreeing votes of the two Houses, relative to said amendment.

On motion,

The House recede from their disagreement to the said second amendment proposed by the Senate, to said bill.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Gregory, a member:

*Mr. Speaker*,

The Senate have appointed Messrs. Stapp and Gregory, a committee of free conference, on the subject matter of difference between the two Houses, relative to the fourth amendment proposed by the Senate, to the bill from this House, entitled An act making specific appropriations for the year 1826. And

On motion of Mr. Howk,

The House recede from their disagreement to the fourth amendment proposed by the Senate, to said bill.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham, their assistant secretary.

*Mr. Speaker*,

The Senate have adopted the following resolution, to wit.

*Resolved*, That a committee on the part of the Senate, be appointed to act with a similar committee, appointed by the House of Representatives, to wait upon the Reverend George Bush, and request his attendance in the Representative Hall, at 12 o'clock this day, for the purpose of closing the present session of the General Assembly. by prayer; that Messrs. Watts and Pennington, are appointed that committee.

Mr. Richardson from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bill, entitled:

An act incorporating the Whitewater canal company; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate, for the signature of their President.

On motion of Mr. Child,

*Resolved*, That a committee be appointed on the part of the House of Representatives, to act with a similar committee that may be appointed on the part of the Senate, to wait on his Excellency, the Governor, and inform him that both Houses of the General Assembly, have gone through their legislative duties, and are now ready to adjourn sine die, and inquire of him whether he has any further communications to make; and that the Senate be informed of the adoption of this resolution, and a similar resolution on their part requested.

Whereupon,

Messrs. Child and Hillis, were appointed a committee on the part of this House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Governor by Mr. Wick, Secretary of State:

*Mr. Speaker*,

His Excellency the Governor, has directed me to announce to the House of Representatives, that on the 20th instant, he did approve and sign the enrolled bills, which originated in the House of Representatives, entitled:

An act authorizing the board of justices of Gibson county, to vacate certain streets, and parts of streets in the town of Princeton, and to vacate the town of Highbanks in Pike county, and Sandersville in Vanderburgh county.

An act legalizing the proceedings of the board of justices of Hendricks county.

An act to authorize the qualified voters of the first school district in Clark's Grant, to elect a trustee.

An act making general appropriations for the year 1826. And

An act attaching a part of Pike county to the county of Warrick.

The said bills have been filed in the office of the Secretary of state.

A message from the Senate, by Mr. Gregory a member.

*Mr. Speaker,*

The Senate have adopted the following resolution:

*Resolved,* That a committee be appointed on the part of the Senate, to act in conjunction with a committee that may be appointed on the part of the House of Representatives, to wait on his Excellency, the Governor, and inform him that both Houses of the General Assembly, have gone through their business at the present session, and are now ready to adjourn sine die, and to learn of him, if he has any further communication to make to either branch of this General Assembly; and that the Senate have appointed on their part Messrs. Gregory and Graham of Clark, that committee.

Mr. Burnett, from the joint committee for enrolled bills reported, that they did on this day present to the Governor, for his approval and signature, the following enrolled bills, entitled Acts, to wit:

An act providing the mode of opening and repairing public roads and highways, in certain counties therein named.

An act providing for the payment of the balance due to the contractors, for building the court-house at Indianapolis.

An act for the better improvement of the state road from Indianapolis to Rushville.

An act legalizing the proceedings of the commissioners of the county of Clay, and for other purposes.

An act for the relief of Samuel M'George.

An act legalizing the proceedings of the school trustees of congressional township, No. 2, in range 4 east, in Washington county.

An act appointing additional trustees for the state seminary in Monroe county, and for other purposes.

An act to amend the act entitled, An act regulating divorces, approved January 22d 1824.

An act to amend the act, entitled An act to authorize the location of certain state roads, approved January 31st 1824.

An act supplemental to an act, passed at the present session, entitled An act authorizing the leasing of Royce's Lick reserve.



An act in addition to the act, entitled An act authorizing the laying off certain state roads in this state and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund. for opening the said roads, approved, December 31st 1821.

An act reviving and amending the act, entitled An act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory, approved December 26th 1815, and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage and the powers of the citizens within the same.

An act incorporating the Whitewater canal company.

An act declaring Busseron creek a public highway.

On motion of Mr. Beckes,

Leave is given to withdraw the petition of Francis Lowndes.

Mr. Richardson, from the joint committee for enrolled bills reported, that said committee did on this day, present to the Governor for his approval and signature the following enrolled joint resolutions, entitled as follows, to wit:

A joint resolution of the General Assembly.

A joint resolution of the General Assembly.

A joint resolution respecting the court-house of Marion county.

A joint resolution and accompanying memorial to the Congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state. And

An act to improve the east and west forks of White river.

Mr. Richardson, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled:

An act supplemental to An act regulating the judicial circuits, and fixing the time of holding courts, and the act to amend the same.

An act amendatory of the several acts for assessing and collecting the revenue; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

*Ordered*, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Burnett, from the joint committee for enrolled bills reported, that they did on this day compare the following bills, entitled Acts, to wit:

An act making specific appropriations for the year 1826.

An act to provide for printing and distributing the acts, joint resolutions and journals, of the General Assembly; and find the same truly enrolled.

They have also presented to the Governor for his approval and signature:

An act incorporating the Whitewater canal company.

Whereupon,

The speaker signed the two first named bills.

*Ordered*, That the clerk carry the same to the Senate, for the signature of their President.

On motion of Mr. Hillis,

*Resolved*, That a message be sent to the Senate, to inform them that this House having completed the business before them, are now ready to close the present session, and that the clerk carry said message to the Senate.

Mr. Richardson from the joint committee for enrolled bills reported, that said committee have compared the enrolled with the engrossed bill, entitled:

An act incorporating a seminary in the county of Gibson, and for other purposes; and find the same truly enrolled.

And that said committee did on this day present the said last named bill to the Governor, for his approval and signature.

Mr. Burnett from the joint committee for enrolled bills reported, that the said committee did on this day present to the Governor, for his approval and signature, the following enrolled bills entitled Acts, to wit:

An act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly. And

An act making specific appropriations for the year 1826.

A message from the Governor, by Mr. Wick, Secretary of State.

*Mr Speaker,*

His Excellency the Governor, has directed me to announce to the House of Representatives, that on this day, the enrolled bills which originated in this House, entitled:

An act to improve the navigation of the east and west forks of White river.

An act incorporating the Whitewater canal company.

An act declaring Busseron creek a public highway.

An act reviving and amending the act entitled, An act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory, approved December 26th 1815, and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage, and the powers of the citizens within the same.

An act in addition to the act entitled An act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent. fund, for opening said roads—approved, Dec. 31, 1821.

An act appointing additional trustees for the state seminary in Monroe county, and for other purposes.

An act to amend the act entitled, An act regulating divorces, approved January 22d 1824.

An act legalizing the proceedings of the school trustees of congressional township, No. 2, in range 4 east, in Washington county.

An act supplementary to the act regulating the judicial circuits, and fixing the times of holding courts, and the act to amend the same.

An act amendatory of the several acts for assessing and collecting the revenue.

An act incorporating a seminary in the county of Gibson, and for other purposes.

An act to provide for printing and distributing the

acts, joint resolutions and journals of the present General Assembly. Also,

A Joint Resolution and accompanying memorial to the congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state.

A Joint Resolution of the General Assembly.

A Joint Resolution of the General Assembly, respecting the court-house of Marion county; each of which also originated in this House. Also, an enrolled bill, entitled:

An act making specific appropriations for the year 1826; which also originated in this House, have received his approbation and signature, and have been filed in the office of the secretary of state.

Mr. Hillis, from the joint committee appointed to wait upon the Governor, and to learn of him if he has any further communications to make to the present General Assembly reported, that said committee have performed the duty assigned them, and have received for answer, that he has no further communication to make to the General Assembly.

A message from the Senate by Mr. Farnham, their assistant secretary.

*Mr. Speaker,*

The Senate have adopted the following resolution:

*Resolved*, That the House of Representatives be informed, that the Senate have gone through the business before them, and are ready to adjourn sine die; and that the assistant secretary deliver the said message.

The Speaker having called Mr. Pepper to the chair,

On motion of Mr. Posey,

*Resolved unanimously by the House of Representatives of the state of Indiana*, That the thanks of this House, be given to the Hon. Robert M. Evans, Speaker thereof, for the dignity, ability and impartiality, with which he discharged the duties of that station, during the present session.

The Senate came down into the Hall of the House of Representatives, and took their seats on the right of the Speaker's chair.

The Reverend Mr. Bush came in, attended by the committee appointed to wait upon him for that purpose, and proceeded to close the session by solemn prayer, and thanksgiving to Almighty God.

Mr. Beckes then moved, that this House do now adjourn sine die—Upon which,

The Speaker rose from his chair, and addressed the House as follows:

*Gentlemen of the House of Representatives:*

The friendly and complimentary manner in which you have been pleased to notice my services as your presiding officer on the present occasion, is, to me, the most flattering occurrence of my life; and I hope that you, gentlemen, will be pleased to accept in turn my sincere thanks for the orderly and decorous manner in which you have conducted yourselves as a body collectively, and for the friendly, indulgent, and respectful manner in which I have been treated by each member of this honourable body individually. Indeed, gentlemen, it is with much pleasure and pride of feeling I can say that I have never before witnessed, at any session of the Legislature, more friendship, indulgence and respect, manifested towards the Speaker, by the members collectively and individually, than there has been on the present occasion. This consideration, gentlemen, is doubly flattering to me when I reflect that I was raised to the station which I now occupy through your partiality—*unexpectedly, unsought for, and unwished for* on my part.

We are now, gentlemen, about to retire from our labours, and return to the bosoms of our families and friends, and I fondly hope that we will carry with us, and forever retain, those feelings of friendship and regard for each other which have so happily prevailed throughout the present session. Rest assured, gentleman, that for my own part I shall carry with me and retain sentiments of sincere friendship and regard for each of you individually, which can only be effaced by the all-devouring hand of time.

The question was then put, Shall this House adjourn sine die? and it was carried in the affirmative.

The Speaker then adjourned the House *sine die*.

ATTEST,

HENRY P. THORNTON, *Clerk,*

*Of the House of Representatives.*









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